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सं. 44] नई दिल्ली, अक्टूबर 25—अक्टूबर 31, 2009, शनिवार/कार्तिक 3—कार्तिक 9, 1931
No. 44] NEW DELHI, OCTOBER 25—OCTOBER 31, 2009, SATURDAY/KARTIKA 3—KARTIKA 9, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि एवं न्याय मंत्रालय

(विधायी विभाग)

नई दिल्ली, 16 अक्टूबर, 2009

का. आ. 2963.—सूचना का अधिकार अधिनियम, 2005 (2005 का 22) की धारा 5 की उपधारा (2) के अनुसरण में तथा इस विभाग की दिनांक 18 जून, 2009 की समसंख्यक पूर्व अधिसूचना के अधिक्रमण में, विधायी विभाग एतद्वारा इस विभाग में कार्यरत डॉ. वी. बी. भाटिया, उप सचिव को उक्त अधिनियम के प्रयोजनों हेतु दिनांक 16 सितम्बर, 2009 से इस विभाग के लिए केन्द्रीय लोक सूचना अधिकारी के रूप में पदनामित करता है।

[फा.सं. ए.-45011/4/2005-प्रशा. I (वि.वि.)]

एम. आर. बीर, उप सचिव

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 16th October, 2009

S. O. 2963.—In pursuance of sub-section (2) of Section 5 of the Right to Information Act, 2005 (22 of

2005), and in supersession of this Department's earlier Notification of even number dated 18th June, 2009. The Legislative Department hereby designates Dr. V.B. Bhatia, Deputy Secretary in the said Department, as the Central Public Information Officer for the said Department for the purposes of the said Act with effect from 16th September, 2009.

[F. No. A-45011/4/2005-Admn.I (L.D).]

M. R. BEERH. Dy. Secy.

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 20 अक्टूबर, 2009

का. आ. 2964.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए आंध्र प्रदेश राज्य सरकार, गृह (एससीए) विभाग की अधिसूचना सं. जी.ओ.एम.एस.नं. 60 दिनांक 28 जनवरी, 2009 द्वारा प्राप्त सहमति से श्री महाबीर सिंह, तकनीकी अधिकारी 'सी',

रक्षा मंत्रालय, नई दिल्ली से संबंधित आईसीआईसीआई बैंक के क्रेडिट कार्ड के दुरुपयोग के संबंध में भारतीय दंड संहिता, 1860 (1860 के अधिनियम सं. 45) की धारा 379 के अधीन आरसी सं. 4/2008/ईओयू-IX/ सीबीआई/नई दिल्ली के अन्वेषण के लिए तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्ही तथ्यों से उद्भूत किन्ही अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार सम्पूर्ण आंध्र प्रदेश राज्य के सम्बन्ध में करती है।

[सं. 228/8/2009-ए.वी.डी.-II]

चंद्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 20th October, 2009

S. O. 2964.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government with the consent of the State Government of Andhra Pradesh, Home (SC.A) Department vide Notification G.O.Ms. No. 60 dated 28th January, 2009, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Andhra Pradesh for investigation of RC. No. 4/2008/EOU-IX/CBI/New Delhi under Sections 379 of the Indian Penal Code, 1860 (Act No. 45 of 1860) relating to misuse of Credit Card of ICICI Bank belonging to Shri Mahavir Singh, Technical Officer 'C' Ministry of Defence, New Delhi and attempts, abetments and conspiracies in relation to or in connection with the offence mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/8/2009-AVD.-II]

CHANDRA, PRAKASH, Under Secy.

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 20 अक्टूबर, 2009

का.आ 2965.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) योजना, 1970/1980 के खंड 3 के उपखंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा 3 (ज) तथा (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, मेजर वेद

प्रकाश को अधिसूचना की तारीख से तीन वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, सेन्ट्रल बैंक आफ इंडिया के निदेशक मंडल में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 9/21/2008-बीओ-1]

सुमिता डावरा, निदेशक

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 20th October, 2009

S.O. 2965.— In exercise of the powers conferred by sub-section 3 (h) and (3-A) of Section 9 of the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby nominates Maj. Ved Prakash, as part-time non-official Director on the Board of Directors of Central Bank of India for a period of three years from the date of notification or until further orders, whichever is earlier.

[F. No. 9/21/2008--BO-I]

SUMITA DAWRA, Director

नई दिल्ली, 22 अक्टूबर, 2009

का.आ 2966.— भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उप-धारा (1) के खंड (ड.) के उप-खंड (ii) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा श्री आलोक कुमार मिश्रा, अध्यक्ष एवं प्रबंध निदेशक, बैंक ऑफ इंडिया, को उनके पद ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, भारतीय निर्यात-आयात बैंक के निदेशक मंडल में अंशकालिक गैर-सरकारी निदेशक के रूप में नियुक्त करती है।

[फा. सं. 24/27/2002-आई एफ-1(भाग-III)]

डॉ. हरमीत सिंह, अवर सचिव

New Delhi, the 22nd October, 2009

S.O. 2966.— In pursuance of sub-clause (ii) of clause (e) of sub-section (1) of Section 6 of the Export Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby appoints Shri Alok Kr. Mishra, Chairman & Managing Director, Bank of India as part-time non-official Director on the Board of Directors of Export-Import Bank of India for a period of three years from the date of taking over charge of the post or until further orders, whichever is earlier.

[F. No. 24/27/2002-IF.1(Part-III)]

DR. HARMEET SINGH, Under Secy.

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 26 अक्टूबर, 2009

का.आ. 2967.-सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग तथा 5ड. के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ कर निर्धारण वर्ष 2007-08 के आगे से संगठन विट्टल माल्या सांइटिफिक रिसर्च फाउंडेशन, बंगलौर को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगे "अन्य संस्था" की श्रेणी में अनुमोदित किया गया है, अर्थात :-

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा ;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में अधिकार रखने वाले आयकर आयुक्त अथवा आयकर निरीक्षक को प्रस्तुत करेगा ;
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा ।

2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन :-

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा

- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त राशि दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड. के साथ पठित उक्त अधिनियम की धारा 35 की उपधारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा ।

[अधिसूचना सं. 79/2009/फा.सं. 203/109/2008-आ.क.नि.-II]

डॉ. संजय कुमार लाल, अवर सचिव

(Department of Revenue)

(Central Board of Direct Taxes)

New Delhi, the 26th October, 2009

S.O. 2967.— It is hereby notified for general information that the organization Vittal Mallya Scientific Research Foundation, Bangalore, has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), from Assessment year 2007-08 onwards in the category of 'other institution' partly engaged in research activities subject to the following conditions, namely :-

- (i) The sums paid to the approved organization shall be utilized for scientific research ;
- (ii) The approved organization shall carry out the scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act ;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy

of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization:—

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 79/2009/F.No.203/109/2008-ITA-II]

DR. SANJAY KUMAR LAL, Under Secy.

(आयकर)

नई दिल्ली, 27 अक्टूबर, 2009

का. आ. 2968.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80इक की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा मैसर्स जयभेरी प्रोपर्टीज (प्रा.) लि., चेन्नई के मामले में भारत के राजपत्र भाग-II, खंड-3, उपखंड (ii) दिनांक 2 सितम्बर, 2006 में प्रकाशित भारत सरकार, वित्त मंत्रालय, राजस्व विभाग की दिनांक 2 सितम्बर, 2006 की अधिसूचना सं. का.आ. 3458 में निम्नलिखित संशोधन करती है, नामतः—

उक्त अधिसूचना के अनुबंध में, पैराग्राफ -1 में मद संख्या (vii) के सामने कालम 2 में, शब्द एवं आंकड़े '30 यूनिट' के स्थान पर शब्द एवं आंकड़े '03 यूनिट' प्रतिस्थापित किए जाएंगे।

[अधिसूचना सं. 80/2009/फा.सं. 178/76/2005-आई टी ए-1(भाग)]

पदम सिंह, अवर सचिव

(INCOME-TAX)

New Delhi, the 27th October, 2009

S. O. 2968.—In exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-1A of the Income

Tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the notification of the Government of India, Ministry of Finance, Department of Revenue, number S.O. 3458, dated the 2nd September, 2006, and published in the Gazette of India, Part -II, Section 3, sub-section (ii), dated 2nd September, 2006, in the case of M/s. Jayabheri Properties (P) Ltd., Chennai, namely:—

In the Annexure to the said notification, in paragraph 1, against item number (vii), in column 2, for the words and figures "30 Units", the words and figures "03 Unites" shall be substituted.

[Notification No. 80/2009/F. No. 178/76/2005-ITA-I(Part)]

PADAM SINGH, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 7 सितम्बर, 2009

का. आ. 2969.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दन्त चिकित्सा परिषद से परामर्श करने के पश्चात् केन्द्र सरकार उक्त अधिनियम की प्रथम अनुसूची के भाग -1 में एतद्वारा निम्नलिखित संशोधन करती है; अर्थात्:—

2. पांडिचेरी विश्वविद्यालय, पांडिचेरी द्वारा प्रदान की जाने वाली डेंटल डिग्रियों को मान्यता देने के संबंध में दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-1 में क्रम संख्या 44 के सामने स्तंभ 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां जोड़ी जाएंगी, अर्थात्:—

“44 पांडिचेरी विश्वविद्यालय, महात्मा गांधी स्नातकोत्तर पांडिचेरी	दंत चिकित्सा संस्थान, पुडुचेरी दंत शल्य-चिकित्सा निष्णात
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ओरल मेडिसिन	एम.डी.एस. (ओरल मेडिसिन,)
(यदि यह 31-3-2009 को अथवा इसके उपरांत प्रदान की गई हो)	पांडिचेरी विश्वविद्यालय पांडिचेरी”

[सं. बी. 12017/29/2005-डीई]

आर. शंकरन, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 7th September, 2009

S. O. 2969.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16

of 1948), the Central Government, after consultation with Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 & 3 against Serial No. 44, in part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Pondicherry University, Pondicherry, the following entries shall be inserted there under :—

**“44. Pondicherry University, Mahatma Gandhi
Pondicherry Postgraduate Institute
of Dental Sciences,
Puducherry**

Master of Dental Surgery

Oral Medicine (if granted on after 31-3-2009)	MDS (Oral & Medicine), Ponda- cherry University, Pondicherry”
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[No. V-12017/29/2005-DE]

R. SANKARAN, Under Secy.

नई दिल्ली, 7 सितम्बर, 2009

का. आ. 2970.— दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के पश्चात् केन्द्र सरकार उक्त अधिनियम की प्रथम अनुसूची के भाग-1 में एतद्वारा निम्नलिखित संशोधन करती है ; अर्थात् :-

2. राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, (आर जी यू एच एस), बेंगलूर द्वारा प्रदान की जाने वाली डेंटल डिग्रियों को मान्यता देने के संबंध में दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-1 में एम. एस. रमैया डेंटल कॉलेज, बेंगलूर के संबंध में क्रम संख्या 49 के सामने स्तंभ 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां जोड़ी जाएंगी, अर्थात् :-

“XXV एम.एस. रमैया डेंटल कालेज, बेंगलूर

(vi) ओरल मेडिसिन (यदि 23-5-2009 को अथवा इसके उपरान्त प्रदान की गई हो)	एम.डी.एस. (ओरल मेडिसिन), राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय बेंगलूर
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(vii) पेडोडॉन्टिक्स (यदि यह 21-5-2009 को अथवा इसके उपरान्त प्रदान की गई हो)	एम.डी.एस. (पेडोडॉन्टिक्स), राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बेंगलूर”
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[सं. वी. 12017/23/2005-डीई]

आर. शंकरन, अवर सचिव

New Delhi, the 7th September, 2009

S. O. 2970.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 & 3 against Serial No. 49, in part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Rajiv Gandhi University of Health Sciences (RGUHS), Bangalore, the following entries in respect of M.S. Ramaiah Dental College, Bangalore, shall be inserted there under :—

“XXV M.S. Ramaiah Dental College, Bangalore

(vi) Oral Medicine (if granted on or after 23-5-2009)	MDS (Oral Medicine) Rajiv Gandhi University of Health Sciences, Bangalore
(vii) Pedodontics (if granted on or after 21-5-2009)	MDS (Pedodontics) Rajiv Gandhi University of Health Sciences, Bangalore

[No. V-12017/23/2005-DE]

R. SANKARAN, Under Secy.

नई दिल्ली, 8 सितम्बर, 2009

का. आ. 2971.— दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के पश्चात् केन्द्र सरकार उक्त अधिनियम की प्रथम अनुसूची के भाग-1 में एतद्वारा निम्नलिखित संशोधन करती है ; अर्थात् :-

2. राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, (आर जी यू एच एस), बेंगलूर द्वारा प्रदान की जाने वाली डेंटल डिग्रियों को मान्यता देने के संबंध में दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-1 में कूर्ग इंस्टीच्यूट ऑफ डेंटल साइंसेज, विरजपेट के संबंध में क्रम संख्या 49 के सामने स्तंभ 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां जोड़ी जाएंगी, अर्थात् :-

**“XXXII कूर्ग इंस्टीट्यूट ऑफ डेंटल
साइंसेज, विराजपेट**

दंत शल्य चिकित्सा निष्णात

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| (i) पेडोडॉटिक्स
(यदि यह 19-5-2009
को अथवा इसके उपरान्त
प्रदान की गई हो) | एमडीएस (पेडोडॉटिक्स),
राजीव गांधी स्वास्थ्य विज्ञान
विश्वविद्यालय, बेंगलूर |
| (ii) ओरल मेडिसिन
(यदि यह 19-5-2009
को अथवा इसके उपरान्त
प्रदान की गई हो) | एमडीएस (ओरल मेडिसिन),
राजीव गांधी स्वास्थ्य
विज्ञान विश्वविद्यालय,
बेंगलूर |
| (iii) ओरल सर्जरी
(यदि यह 20-5-2009
को अथवा इसके उपरान्त
प्रदान की गई हो) | एमडीएस (ओरल सर्जरी),
राजीव गांधी स्वास्थ्य विज्ञान
विश्वविद्यालय, बेंगलूर |
| (iv) प्रोस्थोडॉटिक्स
(यदि यह 19-5-2009
को अथवा इसके उपरान्त
प्रदान की गई हो) | एमडीएस (प्रोस्थोडॉटिक्स),
राजीव गांधी स्वास्थ्य विज्ञान
विश्वविद्यालय, बेंगलूर |
| (v) कंसर्वेटिव डेंटिस्ट्री
(यदि यह 21-5-2009
को अथवा इसके उपरान्त
प्रदान की गई हो) | एमडीएस (कंसर्वेटिव
डेंटिस्ट्री),
राजीव गांधी स्वास्थ्य विज्ञान
विश्वविद्यालय, बेंगलूर |
| (vi) ऑर्थोडॉटिक्स
(यदि यह 23-5-2009
को अथवा इसके उपरान्त
प्रदान की गई हो) | एमडीएस (ऑर्थोडॉटिक्स),
राजीव गांधी स्वास्थ्य विज्ञान
विश्वविद्यालय, बेंगलूर |
| (vii) ओरल पैथोलोजी
(यदि यह 23-5-2009
को अथवा इसके उपरान्त
प्रदान की गई हो) | एमडीएस (ओरल
पैथोलोजी),
राजीव गांधी स्वास्थ्य विज्ञान
विश्वविद्यालय, बेंगलूर |
| (viii) पेरियोडॉन्टिक्स
(यदि यह 21-5-2009
को अथवा इसके उपरान्त
प्रदान की गई हो) | एमडीएस (पेरियोडॉन्टिक्स),
राजीव गांधी स्वास्थ्य विज्ञान
विश्वविद्यालय, बेंगलूर |

[सं. वी. 12017/44/2005-डीई]
आर. शंकरन, अवर सचिव

New Delhi, the 8th September, 2009

S. O. 2971.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation

with Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 & 3 against Serial No. 49, in part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Rajiv Gandhi University of Health Sciences (RGUHS), Bangalore, the following entries in respect of Coorg Institute of Dental Sciences, Virajpet, shall be inserted there under :—

**“XXXII Coorg Institute of Dental
Sciences, Virajpet**

Master of Dental Surgery

- | | |
|---|--|
| (i) Pedodontics
(if granted on or
after 19-5-2009) | MDS (Pedodontics),
Rajiv Gandhi University
of Health Sciences,
Bangalore |
| (ii) Oral Medicine
(if granted on or
after 19-5-2009) | MDS (Oral Medicine),
Rajiv Gandhi University
of Health Sciences,
Bangalore |
| (iii) Oral Surgery
(if granted on or
after 20-5-2009) | MDS (Oral Surgery)
Rajiv Gandhi University
of Health Sciences,
Bangalore |
| (iv) Prosthodontics
(if granted on or
after 19-5-2009) | MDS (Prosthodontics),
Rajiv Gandhi University
of Health Sciences,
Bangalore |
| (v) Conservative Denti-
stry (if granted on
or after 21-5-2009) | MDS (Conservative Denti-
stry), Rajiv Gandhi University
of Health Sciences,
Bangalore |
| (vi) Orthodontics
(if granted on or
after 23-5-2009) | MDS (Orthodontics),
Rajiv Gandhi University
of Health Sciences,
Bangalore |
| (vii) Oral Pathology
(if granted on or
after 23-5-2009) | MDS (Oral Pathology),
Rajiv Gandhi University
of Health Sciences,
Bangalore |
| (vii) Periodontics
(if granted on or
after 21-5-2009) | MDS (Periodontics),
Rajiv Gandhi University
of Health Sciences,
Bangalore |

[No. V-12017/44/2005-DE]

R. SANKARAN, Under Secy.

नई दिल्ली, 29 सितम्बर, 2009

का.आ. 2972.— दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय दंत चिकित्सा परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की अनुसूची के भाग-1 में एतद्वारा निम्नलिखित संशोधन करती है, अर्थात् :—

2. दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-1 में डा. डी. वाई. पाटील डेंटल कालेज एवं अस्पताल, पिंपरी, पुणे के संबंध में महाराष्ट्र यूनिवर्सिटी आफ हेल्थ साइंसेज, नासिक द्वारा प्रदत्त डेंटल डिग्रियों को मान्यता दिए जाने के संबंध में क्रमांक 60 के XIII सामने स्तम्भ 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां उसके अंतर्गत रखी जाएंगी :—

“दंत शल्य-चिकित्सा निष्णात

पेडोडॉन्टिक्स

(यदि यह 23-6-2009 को अथवा उसके उपरान्त प्रदान की गई हो।)

एम.डी.एस. (पेडोडॉन्टिक्स),

महाराष्ट्र यूनिवर्सिटी आफ हेल्थ साइंसेज, नासिक

जन स्वास्थ्य डेंटिस्ट्री

(यदि यह 25-06-2009 को अथवा उसके उपरान्त प्रदान की गई हो।)

एम.डी.एस. (जन स्वास्थ्य डेंटिस्ट्री)

महाराष्ट्र यूनिवर्सिटी आफ हेल्थ साइंसेज, नासिक

ओरल पैथोलॉजी

(यदि यह 27-06-2009 को अथवा उसके उपरान्त प्रदान की गई हो।)

एम.डी.एस. (ओरल पैथोलॉजी),

महाराष्ट्र यूनिवर्सिटी आफ हेल्थ साइंसेज, नासिक

कन्जरवेटिव डेनटिस्ट्री

(यदि यह 30-06-2009 को अथवा उसके उपरान्त प्रदान की गई हो।)

एम.डी.एस. (कन्जरवेटिव डेनटिस्ट्री),

महाराष्ट्र यूनिवर्सिटी आफ हेल्थ साइंसेज, नासिक

ओरल सर्जरी

(यदि यह 8-07-2009 को अथवा उसके उपरान्त प्रदान की गई हो।)

एम.डी.एस. (ओरल सर्जरी),

महाराष्ट्र यूनिवर्सिटी आफ हेल्थ साइंसेज, नासिक

प्रोस्थोडॉन्टिक्स

(यदि यह 7-07-2009 को अथवा उसके उपरान्त प्रदान की गई हो।)

एम.डी.एस. (प्रोस्थोडॉन्टिक्स),

महाराष्ट्र यूनिवर्सिटी आफ हेल्थ साइंसेज, नासिक”

[फा. सं. वी-12017/3/2005-डीई]

आर. शंकरन, अवर सचिव

New Delhi, the 29th September, 2009

S.O. 2972.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 and 3 against XIII of Serial No. 60 in respect of Dr. D. Y. Patil Dental College and Hospital, Pimpri, Pune in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Maharashtra University of Health Sciences, Nashik, the following entries shall be inserted thereunder :—

“Master of Dental Surgery

Pedodontics

(if granted on or after 23-06-2009)

MDS, (Pedo), Maharashtra University of Health Sciences, Nashik

Public Health Dentistry

(if granted on or after 25-06-2009)

MDS, (Public Health Dent.), Maharashtra University of Health Sciences, Nashik

Oral Pathology

(if granted on or after 27-06-2009)

MDS, (Oral Path.), Maharashtra University of Health Sciences, Nashik

Conservative Dentistry

(if granted on or after 30-06-2009)

MDS, (Cons. Dent.), Maharashtra University of Health Sciences, Nashik

Oral Surgery

(if granted on or after 08-07-2009)

MDS, (Oral Surgery), Maharashtra University of Health Sciences, Nashik

Prosthodontics

(if granted on or after 07-07-2009)

MDS, (Prstho), Maharashtra University of Health Sciences, Nashik”

[F.No. V-12017/3/2005-DE]

R. SANKARAN, Under Secy.

नई दिल्ली, 13 अक्टूबर, 2009

का.आ. 2973.— दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार भारतीय दंत चिकित्सा परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की अनुसूची के भाग-I में एतद्वारा निम्नलिखित संशोधन करती है, अर्थात् :-

2. महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक, महाराष्ट्र द्वारा प्रदत्त दंत चिकित्सा अर्हताओं को मान्यता दिए जाने के संबंध में, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 60 के सामने स्तंभ 2 और 3 की मौजूदा प्रविष्टियों में गवर्नमेंट डेंटल कालेज एंड हास्पिटल, नागपुर, महाराष्ट्र के संबंध में निम्नलिखित प्रविष्टियां उसके अंतर्गत अन्तः स्थापित की जाएंगी :-

“(III) गवर्नमेंट डेंटल कालेज एंड हास्पिटल, नागपुर, महाराष्ट्र

(i) कंजरवेटिव डेंटिस्ट्री (यदि यह 24-06-2009 को या उसके बाद प्रदान की गई हो।)	एम.डी.एस. (कंजरवेटिव डेंटिस्ट्री) गवर्नमेंट डेंटल कालेज एंड हास्पिटल, नागपुर, महाराष्ट्र
(ii) पेरियोडोन्टिक्स (यदि यह 26-6-2009 को या उसके बाद प्रदान की गई हो।)	एम.डी.एस. (पेरियोडोन्टिक्स) गवर्नमेंट डेंटल कालेज एंड हास्पिटल, नागपुर, महाराष्ट्र
(iii) ओरल एवं डेंटल पैथोलॉजी (यदि यह 30-06-2009 को या उसके बाद प्रदान की गई हो।)	एम.डी.एस. (ओरल एवं डेंटल पैथोलॉजी) गवर्नमेंट डेंटल कालेज एंड हास्पिटल, नागपुर, महाराष्ट्र
(iv) ओरल सर्जरी (यदि यह 03-07-2009 को या उसके बाद प्रदान की गई हो।)	एम.डी.एस. (ओरल सर्जरी) गवर्नमेंट डेंटल कालेज एंड हास्पिटल, नागपुर, महाराष्ट्र
(v) आर्थोडोन्टिक्स (यदि यह 07-07-2009 को या उसके बाद प्रदान की गई हो।)	एम.डी.एस. (आर्थोडोन्टिक्स) गवर्नमेंट डेंटल कालेज एंड हास्पिटल, नागपुर, महाराष्ट्र
(vi) प्रोस्थोडोन्टिक्स (यदि यह 07-07-2009 को या उसके बाद प्रदान की गई हो।)	एम.डी.एस. (प्रोस्थोडोन्टिक्स) गवर्नमेंट डेंटल कालेज एंड हास्पिटल, नागपुर, महाराष्ट्र

[सं. वी-12017/43/2009-डीई]

आर. शंकरन, अवर सचिव

New Delhi, the 13th October, 2009

S.O. 2973.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 & 3, against Serial No. 60 in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Maharashtra University of Health Sciences, Nashik, Maharashtra, the following entries in respect of Govt. Dental College and Hospital, Nagpur, Maharashtra, shall be inserted thereunder :—

“III Govt. Dental College and Hospital, Nagpur, Maharashtra

Master of Dental Surgery

(i) Conservative Dentistry (if granted on or after 24-6-2009)	MDS, (Conservative Dentistry), Govt. Dental College and Hospital, Nagpur, Maharashtra
(ii) Periodontics (if granted on or after 26-6-2009)	MDS, (Periodontics), Govt. Dental College and Hospital Nagpur, Maharashtra
(iii) Oral and Dental Pathology (if granted on or after 30-6-2009)	MDS, (Oral and Dental Pathology), Govt. Dental College and Hospital, Nagpur, Maharashtra
(iv) Oral Surgery (if granted on or after 3-7-2009)	MDS, (Oral Surgery), Govt. Dental College and Hospital, Nagpur, Maharashtra
(v) Orthodontics (if granted on or after 7-7-2009)	MDS, (Orthodontics), Govt. Dental College and Hospital, Nagpur, Maharashtra
(v) Prosthodontics (if granted on or after 7-7-2009)	MDS, (Prosthodontics), Govt. Dental College and Hospital, Nagpur, Maharashtra

[No. V-12017/43/2009-DE]

R. SANKARAN, Under Secy.

नई दिल्ली, 23 अक्टूबर, 2009

का.आ. 2974.—दी रेक्टर यूनिवर्सिटी ऑफ ऑविदियो, स्पेन द्वारा प्रदत्त आयुर्विज्ञान वाचस्पति की आयुर्विज्ञान अर्हता भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 14 के अंतर्गत उक्त अधिनियम के प्रयोजनार्थ मान्यताप्राप्त आयुर्विज्ञान अर्हता है;

दी रेक्टर यूनिवर्सिटी ऑफ ऑविदियो, स्पेन द्वारा प्रदत्त आयुर्विज्ञान वाचस्पति की आयुर्विज्ञान अर्हता भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजनार्थ एक मान्यताप्राप्त आयुर्विज्ञान अर्हता है।

और डॉ. गेरीदो आल्वारेज-यूरिया मियारिस, स्पेनी नागरिक, जो उक्त अर्हता रखते हैं, ग्रामीण विकास न्यास अस्पताल-बतलापल्ली-जिला अनंतपुर, आंध्र प्रदेश, भारत से प्रशिक्षण के प्रयोजनार्थ संलग्न है और व्यक्तिगत लाभ के लिए नहीं;

अतः, अब उक्त अधिनियम की धारा 14 की उप-धारा (1) के खंड (ग) के अनुसरण में केंद्र सरकार एतद्वारा यह विनिर्दिष्ट करती है कि डॉ. गेरीदो आल्वारेज-यूरिया मियारिस द्वारा भारत में आयुर्विज्ञान के व्यवसाय की अवधि :

(ग) एक वर्ष की अवधि अर्थात् 15-4-2009 से 14-4-2010 तक; अथवा

(घ) उस अवधि तक, जिसके दौरान डॉ. गेरीदो आल्वारेज-यूरिया मियारिस, ग्रामीण विकास न्यास अस्पताल-बतलापल्ली-जिला अनंतपुर, आंध्र प्रदेश, भारत से संलग्न हैं, जो भी लघुतर हो, परिसीमित होगी।

[फा. सं. वी-11016/24/2009-एमई(नीति-1)]

आर. शंकरन, अवर सचिव

New Delhi, the 23rd October, 2009

S.O. 2974.—Whereas medical qualification Doctor of Medicine granted by The Ractor University of Ovideo, Spain is recognized medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

Whereas medical qualification Doctor of Medicine granted by The Ractor University of Ovideo, Spain is recognized medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956).

And whereas Dr. Gerrado Alvarez - Uria Miyares, Spanish National, who possesses the said qualification, is attached to Rural Development Trust Hospital - Bathalapalli, Anantapur Distt. Andhra Pradesh, India for the purpose of training and not for personal gain;

Now, therefore, in pursuance of clause (c) of the sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Gerrado Alvarez - Uria Miyares in India shall be limited to :—

(c) a period of One Year i.e. from 15-4-2009 to 14-4-2010; or

(d) the period during which Dr. Gerrado Alvarez - Uria Miyares is attached to Rural Development Trust Hospital - Bathalapalli, Anantapur Distt. Andhra Pradesh, India whichever is shorter.

[F. No. V-11016/24/2009-ME(Policy-1)]

R. SANKARAN, Under Secy.

नई दिल्ली, 23 अक्टूबर, 2009

का.आ. 2975.—जरागोजा विश्वविद्यालय, स्पेन द्वारा प्रदत्त आयुर्विज्ञान वाचस्पति की आयुर्विज्ञान अर्हता भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए उक्त अधिनियम की धारा 14 के अधीन मान्यताप्राप्त आयुर्विज्ञान अर्हता है;

जरागोजा विश्वविद्यालय, स्पेन द्वारा प्रदत्त आयुर्विज्ञान वाचस्पति की आयुर्विज्ञान अर्हता भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए एक मान्यताप्राप्त आयुर्विज्ञान अर्हता है;

और डॉ. मनुबेन्स बरट्रान फ्रान्सिसियो जेवियर, स्पेनी राष्ट्रीय जो उक्त अर्हता रखते हैं, ग्रामीण विकास विभाग न्यास अस्पताल-बथलापल्ली, जिला अनंतपुर, आंध्र प्रदेश, भारत से प्रशिक्षण के लिए संलग्न हैं और व्यक्तिगत लाभ के लिए नहीं;

अतः, अब उक्त अधिनियम की धारा 14 की उपधारा (1) के खंड (ग) के अनुसरण में केंद्र सरकार एतद्वारा विनिर्दिष्ट करती है कि भारत में डॉ. मनुबेन्स बरट्रान फ्रान्सिसियो जेवियर द्वारा आयुर्विज्ञान के व्यवसाय की अवधि : -

(क) एक वर्ष की अवधि अर्थात् 01-06-2009 से 31-12-2010 तक; अथवा

(ख) उस अवधि तक, जिसके दौरान डॉ. मनुबेन्स बरट्रान फ्रान्सिसियो जेवियर, ग्रामीण विकास विभाग न्यास अस्पताल बथलापल्ली, जिला अनंतपुर, आंध्र प्रदेश, भारत से संलग्न हैं, जो भी लघुतर हो, परिसीमित होगी।

[फा. सं. वी-11016/24/2009-एमई(नीति-1)]

आर. शंकरन, अवर सचिव

New Delhi, the 23rd October, 2009

S.O. 2975.—Whereas medical qualification Doctor of Medicine granted by University of Zaragoza, Spain is recognized medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

Whereas medical qualification Doctor of Medicine granted by University of Zaragoza, Spain is a recognized medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956).

And whereas Dr. Manubens Bertran Francico Xavier, Spanish National, who possesses the said qualification, is attached to Rural Development Trust Hospital - Bathalapalli, Anantapur Distt. Andhra Pradesh, India for the purpose of training and not for personal gain;

Now, therefore, in pursuance of clause (c) of the sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Manubens Bertran Francico Xavier in India shall be limited to :—

- (a) a period of Six Month i.e. from 01-06-2009 to 31-12-2010; or
- (b) the period during which Dr. Manubens Bertran Francico Xavier is attached to Rural Development Trust Hospital - Bathalapalli, Anantapur Distt. Andhra Pradesh, India whichever is shorter.

[F. No. V-11016/24/2009-ME(Policy-I)]

R. SANKARAN, Under Secy.

भारतीय आयुर्विज्ञान परिषद्

नई दिल्ली, 26 अक्टूबर, 2009

क्र.आ. 2976.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 33 द्वारा प्रदत्त शक्तियों का इस्तेमाल करते हुए, “चिकित्सा संस्थानों में शिक्षकों के लिए न्यूनतम शैक्षिक योग्यता विनियमवली, 1998” में पुनः संशोधन करने हेतु, भारतीय आयुर्विज्ञान परिषद्, केंद्रीय सरकार के पूर्व अनुमोदन से एतद्वारा निम्नलिखित विनियम बनाती है, नामतः—

1. (i) इन विनियमों को “चिकित्सा संस्थानों में शिक्षकों के लिए न्यूनतम शैक्षिक योग्यता (संशोधन) विनियमवली, 2009 भाग-II” कहा जाए।
- (ii) वे सरकारी गजट में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।
2. “चिकित्सा संस्थानों में शिक्षकों के लिए न्यूनतम शैक्षिक योग्यता विनियमवली, 1998” में निम्नलिखित परिवर्धन/संशोधन/विलोपन/प्रतिस्थापन दर्शाए जाएंगे :—
3. सारणी-1 में --शैक्षिक योग्यताएं अध्यापन तथा अनुसंधान अनुभव की अपेक्षाएं, माइक्रोबायोलॉजी विभाग में प्रोफेसर तथा रीडर/एसोसिएट प्रोफेसर के पद हेतु शैक्षिक योग्यता 5वीं पंक्ति में उल्लिखित “एम.एस.सी. (मेडि. माइक्रोबायोलॉजी)/पी.एच.डी. (मेडि. बैक्टीरियोलॉजी)” निम्नलिखित के रूप में प्रतिस्थापित की जाएगी :—

“पी.एच.डी. (मेडि. बैक्टीरियोलॉजी) सहित एम.एस.सी. (मेडि. माइक्रोबायोलॉजी)”

[सं. भा.आ.प.-12 (2)/2009-मेडि. मिस.]

ले.क. (से.नि.) डा. ए.आर.एन. सीतलवाड, सचिव
भारतीय आयुर्विज्ञान परिषद्

पाठ टिप्पणी : प्रधान नियमवली नामतः “चिकित्सा संस्थानों में शिक्षकों के लिए न्यूनतम शैक्षिक योग्यता विनियमवली, 1998” दिनांक 5 दिसम्बर, को भारत के गजट के भाग-III, धारा (4) में प्रकाशित की गई थी और इसे भारतीय आयुर्विज्ञान परिषद् की दिनांक 16-03-2005 तथा 21-07-2009 की अधिसूचना के अंतर्गत संशोधित किया गया था।

MEDICAL COUNCIL OF INDIA

New Delhi, the 26th October, 2009

S.O. 2976.—In exercise of the powers conferred by Section 33 of the Indian Medical Council Act, 1956 (102 of 1956), the Medical Council of India with the previous sanction of the Central Government, hereby makes the following Regulations to further amend the “Minimum Qualifications for Teachers in Medical Institutions Regulations 1998”, namely :—

1. (i) These Regulations may be called the “Minimum Qualifications for Teachers in Medical Institutions (Amendment) Regulations, 2009—Part-II”.
- (ii) They shall come into force from the date of their publication in the Official Gazette.
2. In the “Minimum Qualifications for Teachers in Medical Institutions Regulations, 1998”, the following Additions/modifications/deletions/substitutions, shall be, as indicated therein :—

3. In Table-1—Requirements of Academic Qualifications, Teaching and Research Experience, the academic qualifications required for the post of Professor and Reader/Associate Professor in Microbiology Department, in 5th line mentioned as “M. Sc. (Med. Microbiology)/Ph. D. (Med. Bacteriology)” shall be substituted with the following :—

“M. Sc. (Med. Microbiology) with Ph. D. (Med. Bacteriology)”

[No. MCI-12(2)/2009-Med. Misc.]

Lt. Col. (Retd.) Dr. A. R. N. SETALVAD, Secy.

Medical Council of India

Foot Note : The Principal Regulations namely, “Minimum Qualifications for Teachers in Medical Institutions Regulations 1998” were published in Part-III, Section (4) of the Gazette of India on the 5th December, 1998, and amended vide MCI notification dated 16-03-2005 and dated 21-07-2009.

परमाणु ऊर्जा विभाग

आदेश

मुंबई, 20 अक्टूबर, 2009

का.आ. 2977.—परमाणु ऊर्जा अधिनियम, 1962 (1962 का 33वां) की धारा 27 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार एतद्द्वारा निदेश देती है कि इसके साथ संलग्न अनुसूची के कॉलम (2) में विशिष्ट क्षेत्रों के संबंध में उक्त अधिनियम की धारा 19 द्वारा प्रदत्त शक्तियों, का प्रयोग निषिद्ध क्षेत्र होते हुए भी उक्त अनुसूची के कॉलम (3) में संबंधित प्रविष्टियों में उल्लिखित किसी या सभी अधिकारियों या प्राधिकारियों द्वारा भी किया जा सकता है।

अनुसूची

क्रम सं.	निषिद्ध क्षेत्रों के नाम	अधिकारी अथवा प्राधिकारी का पदनाम
1	2	3
1.	भाभा परमाणु अनुसंधान केंद्र, अच्युतपुरम मंडल, अच्युतपुरम मंडल, विशाखापट्टनम जिला आंध्र प्रदेश मोडिलूरु गांव (सर्वेक्षण क्र.) 84, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 358, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 388, 389, 390, 391, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511 डोसूरु गांव (सर्वेक्षण क्र.) 178, 179, 193, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 210pt, 213pt, 214pt, 215pt, 219pt, 228pt, 229pt जंगलूरु गांव (सर्वेक्षण क्र.) 140, 141, 142, 143, 144, 145, 146, 147, 148, 150, 152, 154, 157, 158	1. निदेशक, भाभा परमाणु अनुसंधान केंद्र, 2. निदेशक, रिएक्टर परियोजना वर्ग भाभा परमाणु अनुसंधान केंद्र, 3. नियंत्रक, भाभा, परमाणु अनुसंधान केंद्र, 4. मुख्य सुरक्षा अधिकारी भाभा परमाणु अनुसंधान केंद्र,

1	2	3
	चिप्पाडा गांव (सर्वेक्षण क्र.)	
	71, 72, 73, 74, 75, 76, 77, 79, 80, 82, 84, 85, 86, 87, 92, 95, 97, 100, 101, 102, 103, 105, 104, 70pt, 78pt, 81pt, 83pt, 88pt, 89pt, 90pt, 91pt, 93pt, 94pt, 96pt, 98pt, 99pt, 104pt, 106pt	
	जोगन्नापालेम गांव (सर्वेक्षण क्र.)	
	107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 152, 153	
	तंताडी गांव (सर्वेक्षण क्र.)	
	238	

[एफ.नं. एईए/19(1)/2008-ईआर/3480]

ए. गीतेश शर्मा, संयुक्त सचिव

DEPARTMENT OF ATOMIC ENERGY

ORDER

Mumbai, the 20th October, 2009

S.O. 2977.—In exercise of the powers conferred by Section 27 of the Atomic Energy Act, 1962 (33 of 1962), the Central Government hereby directs that the powers conferred on it by Section 19 of the said Act shall, in respect of the areas specified in column (2) of the Schedule annexed hereto, being prohibited areas, be exercisable also by all or any of the officers or authorities mentioned in the corresponding entries in column (3) of the said Schedule.

SCHEDULE

Sl. No.	Name of the prohibited areas	Designation of the Officer or Authority
(1)	(2)	(3)
1.	Bhabha Atomic Research Centre Atchuthapuram, Atchuthapuram Mandal, Visakhapatnam District, Andhra Pradesh. MODITURU VILLAGE (Survey Nos.) 84, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 358, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 388, 389, 390, 391, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511	1. Director, Bhabha Atomic Research Centre 2. Director, Reactor Projects Group, Bhabha Atomic Research Centre 3. Controller, Bhabha Atomic Research Centre 4. Chief Security Officer, Bhabha Atomic Research Centre.

(1)	(2)	(3)
	DOSURU VILLAGE (Survey Nos.)	
	178, 179, 193, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 210pt, 213pt, 214pt, 215pt, 219pt, 228pt, 229pt	
	JANGULURU VILLAGE (Survey Nos.)	
	140, 141, 142, 143, 144, 145, 146, 147, 148, 150, 152, 154, 157, 158	
	CHIPPADA VILLAGE (Survey Nos.)	
	71, 72, 73, 74, 75, 76, 77, 79, 80, 82, 84, 85, 86, 87, 92, 95, 97, 100, 101, 102, 103, 105, 104, 70pt, 78pt, 81pt, 83pt, 88pt, 89pt, 90pt, 91pt, 93pt, 94pt, 96pt, 98pt, 99pt, 104pt, 106pt	
	JOGANPALEM VILLAGE (Survey Nos.)	
	107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 152, 153	
	TANTADI VILLAGE (Survey Nos.)	
	238	

[F. No. AEA/19(1)/2008-ER/3480]

A. GITESH SARMA, Jt. Secy.

खान मंत्रालय

नई दिल्ली, 24 सितम्बर, 2009

का.आ. 2978.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, भारतीय भूवैज्ञानिक सर्वेक्षण जो खान मंत्रालय का अधीनस्थ कार्यालय है, के निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारी-वृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है, अर्थात् :-

- (1) परिचालन कार्यालय, महाराष्ट्र (पूर्व), नागपुर
 - (2) परिचालन कार्यालय, सिक्किम इकाई, गंगटोक
2. यह अधिसूचना राजपत्र में प्रकाशन की तारीख से प्रवृत्त होगी।

[सं. ई-17011/1/2006-हिंदी]

अजिता बाजपेयी पाण्डे, संयुक्त सचिव

MINISTRY OF MINES

New Delhi, the 24th September, 2009

S.O. 2978.—In pursuance of sub-rule (4) of rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976 the Central Government hereby notifies the following offices, under the Geological Survey of India, a subordinate office of the Ministry of Mines, whereof more than 80% staff have acquired the working knowledge of Hindi, namely :—

- (1) Operation Maharashtra (East), Nagpur
- (2) Operation Sikkim Unit, Gangtok.

2. This notification shall come into force from the date of publication in the Official Gazette.

[No. E-17011/1/2006-Hindi]

AJIT BAJPAI PANDE, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 20 अक्टूबर, 2009

का.आ. 2979.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 626 : 2009 साईकिल-सीट पिलर-विशिष्ट (तीसरा पुनरीक्षण)	626 : 1979	31 मई, 2009
2.	आई एस/आई एस ओ 6742-2-5 : 1985 (अतिक्रमण आई एस 7699 : 1975) साईकिल-प्रकाश व्यवस्था एवं पश्च-परावर्तक युक्ति-प्रकाशमितीय तथा भौतिक अपेक्षाएं भाग 2 पश्च-परावर्तक युक्ति	—	31 मई, 2009
3.	आई एस 14363 : 2009/आई एस ओ 11243 : 1994 साईकिल-साईकिलों के लिए सामान वाहक (कैरियर)-अवधारणा, वर्गीकरण एवं परीक्षण (पहला पुनरीक्षण)	14363 : 1996	31 मार्च, 2009
4.	आई एस 15870 : 2009 सड़क वाहन-भीतरी दहन इंजिन वाहनों में संपीड़ित प्राकृतिक गैस (सीएनजी) ईंधन प्रणाली के प्रयोग-रीति संहिता	—	31 मई, 2009

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, पुणे, रायपुर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध है।

[संदर्भ : टी ई डी/जी-16]

टी. बी. सिंह, वैज्ञानिक ई एवं प्रमुख (टी ई डी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 20th October, 2009

S.O. 2979.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards, Rules 1987, the Bureau of Indian Standards notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No., Year & Title of the Indian Standards Established	No. & year of Indian Standards if, any, Superseded by the New Indian Standards	Date Established
(1)	(2)	(3)	(4)
1	IS 626 : 2009 Bicycle-Seat Pillars-Specification (Third Revision)	626 : 1979	31 May, 2009
2	IS/ISO 6742-2 : 1985 (Superseding IS 7699 : 1975) Cycles-Lighting and retro-reflective devices-Photometric and Physical requirements Part 2 retro reflective devices	—	31 May, 2009

(1)	(2)	(3)	(4)
3	IS 14363 : 2009/ISO 11243 : 1994 Cycles-Luggage carriers for bicycles-concepts, classification and testing (first revision)	14363 : 1996	31 March, 2009
4	IS 15870 : 2009 Road vehicles—Use of compressed natural gas (CNG) fuel system in internal combustion engine vehicles-Code of practice	—	31 May, 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai, and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref TED/G-16]

T. V. SINGH, Scientist 'E' & Head (Transport Engg)

नई दिल्ली, 21 अक्टूबर, 2009

का.आ. 2980:—भारतीय मानक ब्यूरो नियम 1987, के नियम, 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
I	आई एस 4731 : 2009 ज्ञानवर्षक पत्रिका में लेख की पांडुलिपि तैयार करने की मार्गदर्शिका (प्रथम पुनरीक्षण)	आई एस 4731 : 1968	30 अप्रैल 2009

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई, तथा शाखा कार्यालयों : अहमदाबाद, बंगलुरु, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिजली हेतु उपलब्ध है।

[संदर्भ : एम एस डी/जी-8 अधिसूचना]

निर्मल कुमार पाल, वैज्ञानिक ई एवं प्रमुख (प्रबंध एवं तंत्र विभाग)

New Delhi, the 21st October, 2009

S.O. 2980:—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards, Rules 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard, particulars of which is given in the Schedule hereto annexed have been established on the date indicated against each:—

Sl. No.	No. & Year of the Indian Standard Established	No. & year of Indian Standard, if, any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
I	IS 4731 : 2009 Guide for preparation of manuscript of an article in a learned periodical (First Division)	IS 4731 : 1968	30 April 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai, and also Branch Offices : Ahmedabad, Bengaluru, Bhopal, Bhubneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[MSD/G-8 Notification]

N. K. PAL, Scientist 'E' & Head (Management & Systems Department)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 27 अक्टूबर, 2009

का. आ. 2981.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि पंजाब राज्य में रमन मंडी से भटिंडा तक, पेट्रोलियम-तेल के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा 'जी जी एस आर उत्पाद निष्क्रमण परियोजना' के कार्यान्वयन हेतु एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में, जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है और जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई भी व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री गगनदीप सिंह, सक्षम प्राधिकारी, (पंजाब), हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, गुरु गोबिन्द सिंह रिफाइनरी उत्पाद निष्क्रमण परियोजना, गांव: फूलो खारी, रिफाइनरी गेट, तहसील: तलवंडी साबो, जिला: भटिंडा, पंजाब को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : तलवंडी साबो		जिला : भटिंडा		राज्य : पंजाब			
गाँव का नाम	इदबस्त संख्या	मुस्ततिल संख्या	खसरा/ किला संख्या	क्षेत्रफल			
				हेक्टेयर	एयर	वर्गमीटर	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
1. रामसरा	122	8	2	00	00	25	
			5	00	08	85	
			6	00	02	27	
		16	25	00	00	25	
			17	2	00	11	38
				8	00	11	13
				9	00	00	25
				10	00	08	60

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			11	00	03	03
			17	00	11	38
			18	00	11	13
		23	1/1	00	09	86
			10/1	00	08	60
			11	00	07	59
			20	00	06	07
			21	00	10	37
		24	5/3	00	01	01
			6	00	02	27
		32	1	00	00	25
			2	00	01	01
			9	00	05	31
		35	1	00	00	25
		36	8	00	12	39
			9	00	12	39
			10	00	12	39
		36	11	00	11	13
			12/1	00	02	27
			12/2	00	07	59
			13/1	00	00	75
			13/2	00	01	77
			14	00	01	01
		37	11/2	00	12	39
			12/1	00	04	55
			12/2	00	06	57
			13	00	12	39
			14	00	12	39
			15	00	11	38
		38	14/2	00	09	10
			15/2	00	12	39
			8	00	01	26
			93	00	01	01
			95/1	00	00	50
			102/2	00	01	77
			115/2	00	01	51

(1)	(2)	(3)	(4)	(5)	(6)	(7)
2. रामां	121	23	7/1	00	04	55
		94	19	00	02	53
		136	10	00	04	04
			11	00	07	84
			20	00	02	78
		137	25	00	03	28
		148	5	00	11	63
			6	00	11	38
			14	00	02	78
			15	00	10	62
			16	00	00	50
			17	00	10	62
			24/1	00	05	56
			24/2	00	02	27
		185	3	00	00	50
			4	00	10	87
			7	00	01	26
			8	00	10	37
			13	00	11	38
			18	00	08	85
		238	11	00	05	06
			12	00	02	53
			17/2	00	00	25
			18/1	00	05	56
			18/2	00	02	02
			19/1	00	13	15
			23	00	02	78
			24	00	12	90
			25	00	08	60
		240	5	00	06	83
		241	1	00	11	63
			2	00	04	30
			7/2	00	01	26
			8	00	12	90
			9	00	09	86
			13	00	00	75
			14	00	11	89
			15	00	10	87
			16	00	03	03

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		242	11/2	00	00	25
			19	00	07	59
			20	00	13	66
			22	00	06	07
			23	00	14	16
			24	00	03	79
		251	20	00	01	26
			21	00	11	63
		252	22	00	00	25
			1	00	00	75
			9/1	00	04	80
			9/2	00	04	04
			10	00	12	90
			12	00	04	30
			13/1	00	04	04
			13/2	00	10	12
			14/1	00	03	28
			14/2	00	01	26
			16	00	13	40
			17	00	09	10
			25	00	00	50
		253	3	00	00	25
			4	00	10	62
			5	00	12	39
			6/1	00	01	01
			326	00	01	01
			1291	00	01	01
			1304	00	02	02
			1313	00	02	02
3. बंगी निहालसिंह	38	19	7/1	00	01	26
		20	2	00	03	54
			3	00	05	81
		69	3	00	04	80
			8	00	00	25
		107	21	00	00	75
		137	16	00	06	07
			17	00	01	77
			25/1	00	03	54

(1)	(2)	(3)	(4)	(5)	(6)	(7)
4. बंगी स्लदू	37	14	17	00	00	75
		18	17	00	00	75
		41	14/2	00	00	25
			21	00	06	32
			19	00	00	75
			12/1	00	07	84
			8	00	00	25
			3	00	04	30
		44	16	00	00	25
			15	00	03	54
			6	00	07	59
		45	1	00	00	75
5. कोट बखू	44		172	00	01	01
			199	00	05	06
			201/2	00	13	91
			274/4	00	00	25
			275/1	00	00	25
			275/2	00	07	08
			278/3	00	05	81
			278/5	00	00	25
			279/1	00	00	25
			1507/1	00	02	78
			1511/1	00	00	50
			1510	00	02	27
			1528	00	06	32
			1556	00	04	30
			1557	00	16	19
6. नसीबपुरा	56		34/1	00	00	25
			216/1	00	28	33
			216/2	00	01	26
			219	00	19	22
			223/1	00	18	21
			223/2	00	01	77
			226	00	17	71
			231/1	00	05	31
			231/2	00	12	39

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			234/1/1	00	06	07
			234/1/2	00	06	07
			234/1/3	00	08	09
			239	00	12	39
			242/1	00	20	24
			242/2	00	05	81
			247/1	00	12	39
			247/2/1	00	08	60
			247/2/2	00	01	77
			250/1	00	19	48
			250/2	00	03	54
			255/1	00	10	37
			255/2	00	10	12
			255/3	00	04	04
			256	00	14	92

[फा. सं. आर-31015/38/2009-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

Ministry of Petroleum & Natural Gas

New Delhi, the 27th October, 2009

S. O. 2981.— Whereas, it appears to the Central Government, that it is necessary in the public interest that for the transportation of Petroleum Products from Raman Mandi to Bhatinda in the State of Punjab for implementation of "GGSR Products Evacuation Project pipeline from Raman Mandi to Bhatinda ", should be laid by the Hindustan Petroleum Corporation Limited;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the

general public, object in writing to the acquisition of the Right of User therein or laying of the pipeline under the land, to Shri Gagan Deep Singh, Competent Authority (Punjab), Hindustan Petroleum Corporation Limited, Guru Gobind Singh Refinery Product Evacuation Project, Village: Phullo Khari, Refinery Gate, Tehsil : Talwandi Saboo, District: Bhatinda, Punjab.

SCHEDULE

Tehsil : TALWANDI SABOO			District : BHATINDA		State : PUNJAB		
Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area			
				Hectare	Are	Square Metre	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
1. RAMSARA	122	8	2	00	00	25	
			5	00	08	85	
			6	00	02	27	
			16	25	00	00	25
			17	2	00	11	38
			8	00	11	13	
			9	00	00	25	
			10	00	08	60	
			11	00	03	03	
			17	00	11	38	
			18	00	11	13	
		23	1/1	00	09	86	
			10/1	00	08	60	
			11	00	07	59	
			20	00	06	07	
			21	00	10	37	
		24	5/3	00	01	01	
			6	00	02	27	
		32	1	00	00	25	
			2	00	01	01	
			9	00	05	31	
		35	1	00	00	25	
		36	8	00	12	39	
			9	00	12	39	
			10	00	12	39	

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		36	11	00	11	13
			12/1	00	02	27
			12/2	00	07	59
			13/1	00	00	75
			13/2	00	01	77
			14	00	01	01
		37	11/2	00	12	39
			12/1	00	04	55
			12/2	00	06	57
			13	00	12	39
			14	00	12	39
			15	00	11	38
		38	14/2	00	09	10
			15/2	00	12	39
			8	00	01	26
			93	00	01	01
			95/1	00	00	50
			102/2	00	01	77
			115/2	00	01	51
2. RAMAN	121	23	7/1	00	04	55
		94	19	00	02	53
		136	10	00	04	04
			11	00	07	84
			20	00	02	78
		137	25	00	03	28
		148	5	00	11	63
			6	00	11	38
			14	00	02	78
			15	00	10	62
			16	00	00	50
			17	00	10	62
			24/1	00	05	56
			24/2	00	02	27

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		185	3	00	00	50
			4	00	10	87
			7	00	01	26
			8	00	10	37
			13	00	11	38
			18	00	08	85
		238	11	00	05	06
			12	00	02	53
			17/2	00	00	25
			18/1	00	05	56
			18/2	00	02	02
			19/1	00	13	15
			23	00	02	78
			24	00	12	90
			25	00	08	60
		240	5	00	06	83
		241	1	00	11	63
			2	00	04	30
			7/2	00	01	26
			8	00	12	90
			9	00	09	86
			13	00	00	75
			14	00	11	89
			15	00	10	87
			16	00	03	03
		242	11/2	00	00	25
			19	00	07	59
			20	00	13	66
			22	00	06	07
			23	00	14	16
			24	00	03	79
		251	20	00	01	26
			21	00	11	63
			22	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		252	1	00	00	75
			9/1	00	04	80
			9/2	00	04	04
			10	00	12	90
			12	00	04	30
			13/1	00	04	04
			13/2	00	10	12
			14/1	00	03	28
			14/2	00	01	26
			16	00	13	40
			17	00	09	10
			25	00	00	50
		253	3	00	00	25
			4	00	10	62
			5	00	12	39
			6/1	00	01	01
			326	00	01	01
			1291	00	01	01
			1304	00	02	02
			1313	00	02	02
3. BANGI NIHALSINGH	38	19	7/1	00	01	26
		20	2	00	03	54
			3	00	05	81
		69	3	00	04	80
			8	00	00	25
		107	21	00	00	75
		137	16	00	06	07
			17	00	01	77
			25/1	00	03	54
4. BANGI RULDHU	37	14	17	00	00	75
		18	17	00	00	75
			14/2	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		41	21	00	06	32
			19	00	00	75
			12/1	00	07	84
			8	00	00	25
			3	00	04	30
		44	16	00	00	25
			15	00	03	54
			6	00	07	59
		45	1	00	00	75
5. KOT BAKHTU	44		172	00	01	01
			199	00	05	06
			201/2	00	13	91
			274/4	00	00	25
			275/1	00	00	25
			275/2	00	07	08
			278/3	00	05	81
			278/5	00	00	25
			279/1	00	00	25
			1507/1	00	02	78
			1511/1	00	00	50
			1510	00	02	27
			1528	00	06	32
			1556	00	04	30
			1557	00	16	19
6. NASIBPURA	56		34/1	00	00	25
			216/1	00	28	33
			216/2	00	01	26
			219	00	19	22
			223/1	00	18	21
			223/2	00	01	77
			226	00	17	71
			231/1	00	05	31
			231/2	00	12	39

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			234/1/1	00	06	07
			234/1/2	00	06	07
			234/1/3	00	08	09
			239	00	12	39
			242/1	00	20	24
			242/2	00	05	81
			247/1	00	12	39
			247/2/1	00	08	60
			247/2/2	00	01	77
			250/1	00	19	48
			250/2	00	03	54
			255/1	00	10	37
			255/2	00	10	12
			255/3	00	04	04
			256	00	14	92

[F. No. R-31015/38/2009-O.R.-II]

A. GOSWAMI, Under Secy

नई दिल्ली, 27 अक्टूबर, 2009

का. आ. 2982.—केन्द्रीय सरकार ने पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का.आ. 1942 दिनांक 13.07.09, द्वारा पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे उसके पश्चात् उक्त अधिनियम कहा जायेगा) की धारा 3(1) के अधीन अधिसूचना प्रकाशित कर, रमन मंडी से भटिंडा (पंजाब राज्य में) तक, पेट्रोलियम उत्पाद के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा "जी जी एस आर उत्पाद निष्क्रमण परियोजना रमन मंडी से भटिंडा पेट्रोलियम पाइपलाइन" के सम्बन्ध में उक्त अधिसूचना से संलग्न अनुसूची में निर्दिष्ट तहसील तलवंडी साबो जिला भटिंडा राज्य पंजाब की भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी,

और, उक्त अधिसूचना की प्रतियां जनता को दिनांक 06.09.2009 को उपलब्ध करा दी गई थी,

और, उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त होकर हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : तलवंडी साबो		जिला : पटिंडा		राज्य : पंजाब		
गौव का नाम	हदबस्त संख्या	मुस्ततिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1 रामसरा	122	23	21	00	00	25
		24	6	00	00	25
			15	00	03	54
			16	00	05	06
			25	00	01	01
		32	1	00	11	38
			9	00	06	57
			10	00	00	75
			12	00	10	62
			13/1	00	00	25
			13/2/1	00	00	50
			18/1	00	02	53
			18/2	00	08	09
			19/1	00	01	26
			23	00	11	38
		38	3/2	00	11	38
			7/2	00	07	08
			8	00	06	07
			13	00	00	25
			14/2	00	05	81
			16	00	00	25
			17	00	12	65
			24/1/1	00	01	51
			24/1/2	00	00	25
			24/2	00	00	50
			25/1	00	04	55
			25/2	00	05	31
		47	5/1	00	10	62
			5/2	00	02	27
			6	00	01	26

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		48	1/1	00	00	25
			1/2	00	00	75
			10	00	12	39
			11/1	00	02	78
			11/2	00	03	03
			12	00	05	06
			19/2	00	12	65
			22	00	03	54
			23	00	08	60
		56	3	00	11	89
			4	00	01	77
			7	00	11	89
			8	00	00	50
			14/1	00	05	31
			14/2	00	06	57
			16	00	04	30
			17	00	08	09
			24	00	00	25
			25	00	11	38
		63	5	00	11	38
			94	00	01	01
			95/1	00	01	77
			96/1	00	01	51
			97	00	01	77
			98	00	01	01
			100	00	01	01
			115/2	00	03	03
			186	00	00	50
			193	00	00	25
2. रामां	121	23	7/1	00	04	30
			7/2	00	04	30
			14	00	11	13
			17	00	10	12

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		23	18	00	01	26
			23	00	08	09
			24	00	04	04
		59	3	00	11	38
			8/1	00	02	27
			8/2	00	05	81
			13	00	10	37
			18	00	11	13
			22	00	00	25
			23	00	11	13
		65	2	00	01	01
			3	00	10	12
			8	00	08	09
			9	00	03	03
			12	00	00	50
			13	00	10	62
			18	00	11	13
			23	00	11	13
		94	2	00	00	25
			3	00	10	87
			8	00	08	60
			9/1	00	00	75
			9/2	00	01	77
			12	00	06	07
			13	00	05	06
			18	00	02	53
			19	00	08	60
			22	00	11	13
			23	00	00	25
		106	2	00	11	13
			9	00	11	13
			12	00	11	13
			19/1	00	01	51

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		106	19/2	00	09	61
			22	00	09	61
		136	2	00	07	08
			9	00	10	12
			10	00	00	25
			11	00	03	54
			12	00	00	25
			20	00	08	60
			21/1	00	08	34
			21/2	00	00	25
		149	1	00	00	25
			336	00	01	01
			337	00	01	77
			341	00	00	50
			343	00	01	51
			350	00	03	28
			540	00	02	27
			1313	00	00	50
			1329	00	01	01
3. बाधा	120	7	6	00	09	61
			15/1	00	11	13
			16/1/1	00	00	25
			16/1/2	00	05	06
			16/1/3	00	00	50
			16/2/1	00	01	01
			16/2/2	00	00	50
			25	00	11	13
		36	5/1	00	09	61
			5/2	00	00	50
			6/1	00	09	61
			6/2	00	01	51
			14/1	00	00	75

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		38	15/2	00	10	37
			16/1	00	04	04
			16/2	00	01	01
			16/3	00	02	02
			17	00	04	04
			24	00	08	09
			25/1	00	01	26
			25/2	00	01	01
			25/3	00	00	75
		44	4	00	10	62
			5/1	00	00	25
			7	00	11	13
			14/1/1	00	10	12
			14/2	00	01	01
			17	00	11	13
			24/1	00	06	57
			24/2	00	05	06
		76	4/1	00	09	10
			4/2	00	01	51
			7/2	00	11	13
			14	00	11	13
			17	00	11	89
			18	00	00	25
			23/1	00	00	25
			23/2	00	01	26
			24	00	05	81
		85	3	00	04	55
			4	00	06	57
			7	00	03	03
			8/1	00	03	54
			8/2	00	04	55
			13	00	10	87
			14	00	00	25
			18/1	00	05	06

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		85	18/2	00	06	07
			23/1	00	09	10
			23/2	00	02	02
		113	3	00	11	13
			8	00	11	13
			13	00	11	13
			18	00	11	13
			23	00	11	13
		121	2/1	00	09	61
			2/2	00	00	25
			3/1/1	00	01	01
			3/2	00	01	51
			9	00	09	36
			10	00	05	31
			11	00	13	66
			20	00	01	01
		122	15	00	01	01
			16	00	12	90
			25	00	11	13
		134	4	00	00	25
			5	00	12	39
			6/1	00	04	55
			6/2	00	03	54
			7	00	03	03
			14	00	07	59
		134	15/1	00	01	77
			15/2	00	01	77
			16	00	00	25
			17	00	10	87
			24	00	11	13
		137	4/1	00	03	79

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			154	00	01	51
			161	00	00	75
			168	00	03	03
			169	00	01	01
			171	00	02	27
			193	00	03	79
			237	00	00	75
4. बंगी निहालसिंह	38	5	22	00	00	25
			23	00	05	31
		18	6	00	00	75
			13/1	00	11	63
			13/2	00	01	26
			14/1	00	07	33
			15	00	06	07
			18	00	05	56
			19	00	08	09
			21/2	00	00	25
			22/2	00	11	89
		19	3/2/2	00	00	25
			4	00	05	06
			5	00	12	14
			6/1	00	00	25
			7/1	00	05	56
			7/2	00	00	50
			8/1	00	02	53
			8/2	00	08	60
			9	00	12	65
			10	00	07	59
			11	00	03	03
		20	1/1	00	10	87
			1/2	00	01	77
			2	00	08	34
			3	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		26	1	00	11	63
			2/2	00	02	02
			10	00	12	39
			11	00	00	75
		27	6	00	00	75
			15	00	12	14
			16/1	00	07	59
			17/2	00	03	28
			24	00	12	39
		43	3	00	04	30
			4/2	00	08	85
			8	00	12	39
			12/1	00	07	08
			12/2	00	00	75
			13	00	05	81
			19	00	12	39
			21/1	00	07	84
			21/2	00	00	25
			22	00	04	30
		53	1/1	00	12	39
			10	00	03	03
		54	5	00	00	25
			6	00	10	62
			14	00	00	50
			15	00	12	39
			16/1	00	01	51
			17/1	00	03	79
			17/2	00	07	33
			23	00	00	50
			24	00	10	62

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		69	3	00	07	08
			4	00	01	26
			8	00	10	87
			13	00	11	13
			18	00	11	13
			23	00	11	13
		79	3	00	11	38
			8	00	11	38
			12	00	00	50
			13	00	10	87
			18	00	07	08
			19/1	00	01	77
			19/2	00	02	53
			22	00	08	60
			23	00	02	02
		96	2	00	11	13
			3	00	00	25
			9	00	11	13
			12	00	11	13
			19	00	11	13
			22/1	00	01	01
			22/2	00	10	62
		107	2	00	11	13
			9	00	11	13
			10	00	00	50
			11	00	04	04
			12	00	08	09
			19	00	03	54
			20	00	08	60
			21	00	10	12
			22	00	00	25
		123	1	00	11	13
			10	00	11	13
			11	00	11	13

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		123	20	00	11	13
			21	00	11	13
		136	1	00	11	63
			10	00	09	10
			11	00	05	56
			20/2	00	00	50
		137	5	00	00	25
			6	00	02	53
			15	00	05	56
			16	00	08	60
			25/1	00	00	25
			193	00	02	27
			195/1	00	01	77
			203/1	00	01	77
			209/1	00	01	77
			210	00	08	34
			211	00	01	77
			240	00	01	01
			243	00	01	01
5. बंगी रूलदू	37	14	17	00	07	08
			24	00	11	13
		18	4	00	07	08
			7/1	00	08	85
			7/2	00	02	53
			14/1	00	00	25
			14/2	00	11	38
			17	00	03	03
			18	00	07	08
			23	00	12	14
		41	2/2	00	03	54
			3/1	00	03	54
			3/2	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		41	9/1	00	00	50
			9/2	00	11	38
			11	00	01	51
			12/1	00	02	27
			20/1	00	00	75
			20/2	00	11	13
			21/1	00	00	50
			21/2	00	04	30
		42	25	00	01	26
		44	5/1	00	07	84
			5/2	00	03	28
			6	00	04	55
			7	00	00	25
			16	00	03	79
			243	00	03	28
			272	00	00	50
			309	00	01	01
6. कोट बखू	44		150	00	06	07
			151	00	10	12
			152	00	21	75
			159	00	23	02
			160	00	08	85
			199	00	06	57
			201/2	00	06	57
			202	00	17	96
			212/1	00	01	51
			268/1	00	10	12
			268/2	00	03	03
			269/1	00	14	92
			269/2	00	00	50
			269/4	00	12	14

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			270/1	00	20	24
			275/2	00	07	59
			278/2	00	10	87
			278/3	00	08	60
			278/4	00	00	50
			278/5	00	01	51
			282	00	31	87
			283/1/2	00	07	33
			283/1/1/1	00	02	27
			283/1/1/2	00	15	68
			283/2	00	02	78
			302	00	03	03
			351/1	00	05	06
			373	00	03	28
			388	00	35	16
			391/1	00	01	51
			391/2	00	26	31
			392	00	27	83
			404/1	00	19	22
			404/2	00	08	60
			405	00	27	83
			416	00	19	22
			646	00	01	77
			1306	00	03	28
			1359/2	00	02	02
			1360/1	00	05	56
			1360/2	00	19	73
			1361/1	00	09	10
			1361/2	00	04	55
			1361/3	00	04	55
			1361/4	00	10	12

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			1362	00	00	50
			1363	00	05	31
			1369/1	00	02	78
			1370/1	00	25	04
			1370/2	00	00	50
			1408	00	06	83
			1446/1	00	07	59
			1446/2	00	10	62
			1447	00	10	12
			1448	00	13	66
			1449	00	20	74
			1451	00	01	01
			1477	00	00	25
			1478	00	01	01
			1479	00	22	77
			1480/1	00	11	89
			1497	00	01	77
			1498/1	00	23	78
			1499	00	12	14
			1505/3	00	00	25
			1506/1	00	06	32
			1506/3	00	16	19
			1507/1	00	09	36
			1507/2	00	04	55
			1510	00	05	06
			1511/1	00	00	50
			1511/2	00	04	55
			1521	00	01	51
			1527/1	00	14	67
			1528	00	02	02
			1557	00	04	30

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			1558	00	04	55
			1560/2/1	00	00	25
			1560/2/2	00	15	93
7. नसीबपुरा	56		33/1/1	00	06	83
			33/1/2/1	00	09	10
			38	00	27	83
			41	00	27	83
			46	00	27	83
			49	00	26	56
			127	00	01	51
			130	00	02	78
			215	00	05	56
			216/1	00	02	78
			219	00	07	08
			223/1	00	06	83
			223/2	00	00	50
			226	00	10	12
			231/1	00	03	03
			231/2	00	07	08
			234/1/1	00	02	27
			234/1/2	00	02	27
			234/1/3	00	03	03
			239/2	00	05	81
			242/1	00	07	59
			242/2	00	01	26
			247/1	00	02	78
			247/2/1	00	02	02
			247/2/2	00	00	50
			250/1	00	04	04
			250/2	00	00	75

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			255/1	00	01	01
			255/2	00	01	01
			255/3	00	00	50
			256	00	01	51
			615	00	02	27

[फा. सं. आर 31015/38/2009 ओ.आर. II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 27th October, 2009

S. O. 2982.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India vide number S.O. 1942 dated the 13th July 2009, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying pipeline for the transportation of Petroleum Products from Raman Mandi to Bhatinda in the State of Punjab by the Hindustan Petroleum Corporation Limited for implementing the "GGSR Products Evacuation Project pipeline from Raman Mandi to Bhatinda" in Tehsil Talwandi Saboo, District Bhatinda, in Punjab State;

And whereas, copies of the said gazette notification were made available to the public on 06.09.09.

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, has submitted his report to the Central Government.

And whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of users in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Hindustan Petroleum Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : TALWANDI SABOO		District : BHATINDA		State : PUNJAB		
Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. RAMSARA	122	23	21	00	00	25
		24	6	00	00	25
			15	00	03	54
			16	00	05	06
			25	00	01	01
		32	1	00	11	38
			9	00	06	57
			10	00	00	75
			12	00	10	62
			13/1	00	00	25
			13/2/1	00	00	50
			18/1	00	02	53
			18/2	00	08	09
			19/1	00	01	26
			23	00	11	38
		38	3/2	00	11	38
			7/2	00	07	08
			8	00	06	07
			13	00	00	25
			14/2	00	05	81
			16	00	00	25
			17	00	12	65
			24/1/1	00	01	51
			24/1/2	00	00	25
			24/2	00	00	50
			25/1	00	04	55
			25/2	00	05	31
		47	5/1	00	10	62
			5/2	00	02	27
			6	00	01	26

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		48	1/1	00	00	25
			1/2	00	00	75
			10	00	12	39
			11/1	00	02	78
			11/2	00	03	03
			12	00	05	06
			19/2	00	12	65
			22	00	03	54
			23	00	08	60
		56	3	00	11	89
			4	00	01	77
			7	00	11	89
			8	00	00	50
			14/1	00	05	31
			14/2	00	06	57
			16	00	04	30
			17	00	08	09
			24	00	00	25
			25	00	11	38
		63	5	00	11	38
			94	00	01	01
			95/1	00	01	77
			96/1	00	01	51
			97	00	01	77
			98	00	01	01
			100	00	01	01
			115/2	00	03	03
			186	00	00	50
			193	00	00	25
2. RAMAN	121	23	7/1	00	04	30
			7/2	00	04	30
			14	00	11	13
			17	00	10	12

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		23	18	00	01	26
			23	00	08	09
			24	00	04	04
		59	3	00	11	38
			8/1	00	02	27
			8/2	00	05	81
			13	00	10	37
			18	00	11	13
			22	00	00	25
			23	00	11	13
		65	2	00	01	01
			3	00	10	12
			8	00	08	09
			9	00	03	03
			12	00	00	50
			13	00	10	62
			18	00	11	13
			23	00	11	13
		94	2	00	00	25
			3	00	10	87
			8	00	08	60
			9/1	00	00	75
			9/2	00	01	77
			12	00	06	07
			13	00	05	06
			18	00	02	53
			19	00	08	60
			22	00	11	13
			23	00	00	25
		106	2	00	11	13
			9	00	11	13
			12	00	11	13
			19/1	00	01	51

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		106	19/2	00	09	61
			22	00	09	61
		136	2	00	07	08
			9	00	10	12
			10	00	00	25
			11	00	03	54
			12	00	00	25
			20	00	08	60
			21/1	00	08	34
			21/2	00	00	25
		149	1	00	00	25
			336	00	01	01
			337	00	01	77
			341	00	00	50
			343	00	01	51
			350	00	03	28
			540	00	02	27
			1313	00	00	50
			1329	00	01	01
3. BAGHA	120	7	6	00	09	61
			15/1	00	11	13
			16/1/1	00	00	25
			16/1/2	00	05	06
			16/1/3	00	00	50
			16/2/1	00	01	01
			16/2/2	00	00	50
			25	00	11	13
		36	5/1	00	09	61
			5/2	00	00	50
			6/1	00	09	61
			6/2	00	01	51
			14/1	00	00	75

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		36	15/2	00	10	37
			16/1	00	04	04
			16/2	00	01	01
			16/3	00	02	02
			17	00	04	04
			24	00	08	09
			25/1	00	01	26
			25/2	00	01	01
			25/3	00	00	75
		44	4	00	10	62
			5/1	00	00	25
			7	00	11	13
			14/1/1	00	10	12
			14/2	00	01	01
			17	00	11	13
			24/1	00	06	57
			24/2	00	05	06
		76	4/1	00	09	10
			4/2	00	01	51
			7/2	00	11	13
			14	00	11	13
			17	00	11	89
			18	00	00	25
			23/1	00	00	25
			23/2	00	01	26
			24	00	05	81
		85	3	00	04	55
			4	00	06	57
			7	00	03	03
			8/1	00	03	54
			8/2	00	04	55
			13	00	10	87
			14	00	00	25
			18/1	00	05	06

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		85	18/2	00	06	07
			23/1	00	09	10
			23/2	00	02	02
		113	3	00	11	13
			8	00	11	13
			13	00	11	13
			18	00	11	13
			23	00	11	13
		121	2/1	00	09	61
			2/2	00	00	25
			3/1/1	00	01	01
			3/2	00	01	51
			9	00	09	36
			10	00	05	31
			11	00	13	66
			20	00	01	01
		122	15	00	01	01
			16	00	12	90
			25	00	11	13
		134	4	00	00	25
			5	00	12	39
			6/1	00	04	55
			6/2	00	03	54
			7	00	03	03
			14	00	07	59
		134	15/1	00	01	77
			15/2	00	01	77
			16	00	00	25
			17	00	10	87
			24	00	11	13
		137	4/1	00	03	79

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			154	00	01	51
			161	00	00	75
			168	00	03	03
			169	00	01	01
			171	00	02	27
			193	00	03	79
			237	00	00	75
4. BANGI NIHARLSINGH	38	5	22	00	00	25
			23	00	05	31
		18	6	00	00	75
			13/1	00	11	63
			13/2	00	01	26
			14/1	00	07	33
			15	00	06	07
			18	00	05	56
			19	00	08	09
			21/2	00	00	25
			22/2	00	11	89
		19	3/2/2	00	00	25
			4	00	05	06
			5	00	12	14
			6/1	00	00	25
			7/1	00	05	56
			7/2	00	00	50
			8/1	00	02	53
			8/2	00	08	60
			9	00	12	65
			10	00	07	59
			11	00	03	03
		20	1/1	00	10	87
			1/2	00	01	77
			2	00	08	34
			3	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		26	1	00	11	63
			2/2	00	02	02
			10	00	12	39
			11	00	00	75
		27	6	00	00	75
			15	00	12	14
			16/1	00	07	59
			17/2	00	03	28
			24	00	12	39
		43	3	00	04	30
			4/2	00	08	85
			8	00	12	39
			12/1	00	07	08
			12/2	00	00	75
			13	00	05	81
			19	00	12	39
			21/1	00	07	84
			21/2	00	00	25
			22	00	04	30
		53	1/1	00	12	39
			10	00	03	03
		54	5	00	00	25
			6	00	10	62
			14	00	00	50
			15	00	12	39
			16/1	00	01	51
			17/1	00	03	79
			17/2	00	07	33
			23	00	00	50
			24	00	10	62

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		69	3	00	07	08
			4	00	01	26
			8	00	10	87
			13	00	11	13
			18	00	11	13
			23	00	11	13
		79	3	00	11	38
			8	00	11	38
			12	00	00	50
			13	00	10	87
			18	00	07	08
			19/1	00	01	77
			19/2	00	02	53
			22	00	08	60
			23	00	02	02
		96	2	00	11	13
			3	00	00	25
			9	00	11	13
			12	00	11	13
			19	00	11	13
			22/1	00	01	01
			22/2	00	10	62
		107	2	00	11	13
			9	00	11	13
			10	00	00	50
			11	00	04	04
			12	00	08	09
			19	00	03	54
			20	00	08	60
			21	00	10	12
			22	00	00	25
		123	1	00	11	13
			10	00	11	13
			11	00	11	13

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		123	20	00	11	13
			21	00	11	13
		136	1	00	11	63
			10	00	09	10
			11	00	05	56
			20/2	00	00	50
		137	5	00	00	25
			6	00	02	53
			15	00	05	56
			16	00	08	60
			25/1	00	00	25
			193	00	02	27
			195/1	00	01	77
			203/1	00	01	77
			209/1	00	01	77
			210	00	08	34
			211	00	01	77
			240	00	01	01
			243	00	01	01
5. BANGI RULDHU	37	14	17	00	07	08
			24	00	11	13
		18	4	00	07	08
			7/1	00	08	85
			7/2	00	02	53
			14/1	00	00	25
			14/2	00	11	38
			17	00	03	03
			18	00	07	08
			23	00	12	14
		41	2/2	00	03	54
			3/1	00	03	54
			3/2	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		41	9/1	00	00	50
			9/2	00	11	38
			11	00	01	51
			12/1	00	02	27
			20/1	00	00	75
			20/2	00	11	13
			21/1	00	00	50
			21/2	00	04	30
		42	25	00	01	26
		44	5/1	00	07	84
			5/2	00	03	28
			6	00	04	55
			7	00	00	25
			16	00	03	79
			243	00	03	28
			272	00	00	50
			309	00	01	01
6. KOT BAKHTU	44		150	00	06	07
			151	00	10	12
			152	00	21	75
			159	00	23	02
			160	00	08	85
			199	00	06	57
			201/2	00	06	57
			202	00	17	96
			212/1	00	01	51
			268/1	00	10	12
			268/2	00	03	03
			269/1	00	14	92
			269/2	00	00	50
			269/4	00	12	14

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			270/1	00	20	24
			275/2	00	07	59
			278/2	00	10	87
			278/3	00	08	60
			278/4	00	00	50
			278/5	00	01	51
			282	00	31	87
			283/1/2	00	07	33
			283/1/1/1	00	02	27
			283/1/1/2	00	15	68
			283/2	00	02	78
			302	00	03	03
			351/1	00	05	06
			373	00	03	28
			388	00	35	16
			391/1	00	01	51
			391/2	00	26	31
			392	00	27	83
			404/1	00	19	22
			404/2	00	08	60
			405	00	27	83
			416	00	19	22
			646	00	01	77
			1306	00	03	28
			1359/2	00	02	02
			1360/1	00	05	56
			1360/2	00	19	73
			1361/1	00	09	10
			1361/2	00	04	55
			1361/3	00	04	55
			1361/4	00	10	12

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			1362	00	00	50
			1363	00	05	31
			1369/1	00	02	78
			1370/1	00	25	04
			1370/2	00	00	50
			1408	00	06	83
			1446/1	00	07	59
			1446/2	00	10	62
			1447	00	10	12
			1448	00	13	66
			1449	00	20	74
			1451	00	01	01
			1477	00	00	25
			1478	00	01	01
			1479	00	22	77
			1480/1	00	11	89
			1497	00	01	77
			1498/1	00	23	78
			1499	00	12	14
			1505/3	00	00	25
			1506/1	00	06	32
			1506/3	00	16	19
			1507/1	00	09	36
			1507/2	00	04	55
			1510	00	05	06
			1511/1	00	00	50
			1511/2	00	04	55
			1521	00	01	51
			1527/1	00	14	67
			1528	00	02	02
			1557	00	04	30

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			1558	00	04	55
			1560/2/1	00	00	25
			1560/2/2	00	15	93
7. NASIBPURA	56		33/1/1	00	06	83
			33/1/2/1	00	09	10
			38	00	27	83
			41	00	27	83
			46	00	27	83
			49	00	26	56
			127	00	01	51
			130	00	02	78
			215	00	05	56
			216/1	00	02	78
			219	00	07	08
			223/1	00	06	83
			223/2	00	00	50
			226	00	10	12
			231/1	00	03	03
			231/2	00	07	08
			234/1/1	00	02	27
			234/1/2	00	02	27
			234/1/3	00	03	03
			239/2	00	05	81
			242/1	00	07	59
			242/2	00	01	26
			247/1	00	02	78
			247/2/1	00	02	02
			247/2/2	00	00	50
			250/1	00	04	04
			250/2	00	00	75

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			255/1	00	01	01
			255/2	00	01	01
			255/3	00	00	50
			256	00	01	51
			615	00	02	27

[F. No. R-31015/38/2009-O.R.-II]
A. GOSWAMI, Under Secy

नई दिल्ली, 30 अक्टूबर, 2009

का. आ. 2983.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि, मैसर्स रिलायंस गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड की काकीनाडा-हैदराबाद-उरान-अहमदाबाद ट्रंक गैस पाइपलाइन के आंध्र प्रदेश में विजयवाडा स्थित टैप प्वाइंट से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मैसर्स रिलोजिसटिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा विजयवाडा-नैल्लूर-चैन्नई गैस पाइपलाइन बिछाई जानी चाहिए;

और, भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन जारी की गई अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में, श्री एम. ए. गण्कार, सक्षम प्राधिकारी, मैसर्स रिलोजिसटिक्स इन्फ्रास्ट्रक्चर लिमिटेड, नं. 59-1-18/3, मैरिस स्टेला कॉलेज के सामने की रोड में, बस रूट नं. 5, रामचन्द्रा नगर, विजयवाडा-520008, कृष्णा जिला, आन्ध्रप्रदेश राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

मंडल/ तेहसिल/ तालुक : कारमचेडु	जिला : प्रकाशम	राज्य : आन्ध्र प्रदेश		
गाँव का नाम	सर्वे सं. / सब डिविजन सं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सि एयर
1	2	3	4	5
1) कारमचेडु	741	00	04	57
	742	00	17	74
	744	00	50	18
	745	00	18	61
	746	00	69	81
	777	00	76	11
	1114	00	80	52
	1115	00	08	23
	1116	00	17	65
	1117	00	06	83
	1118	00	00	26
	1124	00	16	79
	1125	00	14	40
	1126	00	12	53
	1128	00	02	78
	1129	00	22	45
	1131	00	20	50
	1132	00	19	15
	1141	00	60	84
	1152	00	21	03
	1153	00	48	95
	1154	00	21	62
	1155	00	49	72
	1160	00	12	91
	गट नंबर 1160 में रोड	00	01	37
	1167	00	28	19
	1171	00	00	31
	1172	00	05	73
	1174	00	16	28
	1175	00	37	48
	1176	00	64	58
	1182	00	09	01
	1183	00	14	18
	गट नंबर 1183 में नाला	00	12	77
	1184	00	26	09
	1186	00	00	99
	गट नंबर 1186 में नाला	00	00	10

1	2	3	4	5
1) कारमचेडु (निरंतर)	1187	00	71	14
	1188	00	00	10
	1189	00	08	59
	1190	00	11	13
	1191	00	33	09
	1197	00	26	66
	1198	00	50	84
	1202	00	54	28
	1203	00	37	18
	1204	00	67	37
	1210	00	38	33
2) स्वर्णा	987	00	00	36
	988	00	52	32
	992	00	60	89
	994	00	23	32
	995	00	02	55
	1000	00	25	71
	1003	00	34	42
	1007	00	33	98
	1008	00	31	98
	1009	00	00	33
	1010	00	00	10
	1011	00	04	69
	1012	00	06	93
	1013	00	30	04
	1017	00	40	29
	1018	00	00	29
	1030	00	65	73
	1034	00	28	88
	1035	00	18	17
	1036	00	03	26
	1051	00	14	99
	1054	00	55	16
	1055	00	26	49
	1056	00	31	56
	1057	00	02	45
	1183	00	00	36
	1184	00	13	69

1	2	3	4	5
2) स्वर्णा (निरंतर).	1186	00	48	24
	1188	00	29	25
	1190	00	36	64
	1191	00	27	12
	1200	00	14	36
	1201	00	19	02
	1202	00	29	85
	1203	00	37	37
	1204	00	36	08
	1209	00	08	79
	1210	00	23	22
	1211	00	30	81
	1212	00	26	45
	1213	00	30	57
	1214	00	14	82
	1215	00	22	04
	1216	00	22	78
	1292	00	00	38
	1293	00	05	26
3) कोडवलिवारि पालेम	338	00	04	58
	339	00	71	20
	340	00	36	90
	341	00	16	67
	342	00	04	57
	343	00	20	68
	344	00	26	39
	345	00	06	04
	500	00	09	89
	501	00	18	94
	506	00	33	94
	507	00	13	27
	508	00	29	04
	509	00	25	01
	510	00	21	66
	512	00	37	65
	513	00	08	21
	517	00	16	59
	518	00	32	85

1	2	3	4	5
3) कोडवलिबारि पालेम (निरंतर)	519	00	47	04
	612	00	00	10
	613	00	15	15
	618	00	32	87
	619	00	28	77
	625	00	33	41
	626	00	34	05
	633	00	31	68
	634	00	29	08
	641	00	26	61
	642	00	24	67
	643	00	31	99
	644	00	12	74
	645	00	00	42
	646	00	43	95
	647	00	17	43
	648	00	01	79

मंडल/ तेहसिल/ तालुक :चीराला	जिला :प्रकाशम	राज्य :आन्ध्र प्रदेश
1) चीराला	90	00 02 10
	104	00 17 47
	105	00 29 28
	121	00 57 07
	122	00 06 95
	123	00 14 66
	124	00 48 26
	136	00 53 37
	138	00 60 48
	139	00 01 45
	154	00 30 49
	155	00 30 48
	157	00 20 76
	158	00 58 62
	159	00 16 33

मंडल/ तेहसिल/ तालुक :चिनगंजाम	जिला :प्रकाशम	राज्य :आन्ध्र प्रदेश
1) सन्तरावूरु	150	00 17 89
	153	00 51 39
	159	00 49 83
	166	00 17 92
	167	00 12 92
	168	00 07 12

1	2	3	4	5
1) सन्तरावकूल (निरंतर)	176	00	27	10
	189	00	31	42
	190	00	25	71
	191	00	32	68
	192	00	05	87
	193	00	52	14
	271	00	08	23
	285	00	36	54
	286	00	00	23
	294	00	09	92
	298	00	52	61
	299	00	10	41
	300	00	21	73
	301	00	01	93
	317	00	14	37
	321	00	12	86
	322	00	13	10
	607	00	11	57
	608	00	19	83
	609	00	21	91
	610	00	05	77
	611	00	12	05
	612	00	13	57
	613	00	02	83
	615	00	27	30
	616	00	35	51
	623	00	15	76
	624	00	19	30
	625	00	21	21
	628	00	14	99
	629	00	12	76
	630	00	26	07
	631	00	25	46
2) कडवकुदुरु	202	00	76	66
	203	00	00	50
	4	00	01	55
	11	00	09	30
	12	00	06	98

1	2	3	4	5
2) कडक्कुदुल (निरंतर)	13	00	20	43
	14	00	51	13
	15	00	37	42
	16	00	37	82
	17	00	26	28
	18	00	35	90
	19	00	37	29
	60	00	46	60
	64	00	01	86
	65	00	19	87
	67	00	08	74
	69	00	02	25
	70	00	30	44
	74	00	06	16
	75	00	28	47
	76	00	06	54
	130	00	21	27
	132	00	01	64
	136	00	28	42
	137	00	13	63
	गट नंबर 137 में रोड	00	01	93
	138	00	12	50
	139	00	19	32
	208	00	65	44
	209	00	13	92
	210	00	46	33
	211	00	19	52
3) गोनसपूडि	124	00	29	11
	125	00	21	35
	126	00	05	82
	127	00	14	77
	128	00	30	71
	135	00	04	25
	136	00	20	52
	140	00	05	69
	146	00	66	86
	147	00	06	60
	148	00	14	03

1	2	3	4	5
3) गोनसपूडि (निरंतर)	149	00	13	48
	150	00	61	30
	151	00	03	66
	421	00	25	74
	422	00	02	09
	423	00	00	10
	424	00	37	33
	425	00	47	68
4) चिन्तगुमपाल्ले	90	00	29	77
	91	00	07	57
	92	00	06	52
	93	00	03	97
	96/ए	00	22	83
	96/बी	00	10	90
	96/सी	00	11	66
	97	00	00	10
	98	00	15	68
	99	00	42	12
	105	00	50	68
	137	00	20	39
	140	00	73	48
	141	00	07	35
	142	00	00	10
	157	00	47	72
	158	00	83	26
	160	00	06	21
	170	00	44	25
5) चिनगंजाम	9	00	03	11
	16	00	15	18
	17	00	24	68
	19	00	85	79
	20	00	04	23
	21	00	59	40
	23	00	01	03
	24	00	33	75
	26	00	21	07
	27	00	58	73
	36	00	05	44

1	2	3	4	5
5) चिनगंजाम (निरंतर)	37	00	42	94
	41	00	43	25
	42	00	45	92
	47	00	42	53
	48	00	13	33
	53	00	67	13
	54	00	01	18
	55	00	48	80
	57	00	18	66
	61	00	71	49
	63	00	11	47
	64	00	48	28
	67	00	48	39
	69	00	38	83
	70	00	44	59
	71	00	36	03
	72	00	16	80

मंडल/ तेहसिल/ तालुक : नागुलुप्पालपाडु	जिला : प्रकाशम	राज्य : आन्ध्र प्रदेश
1) तिमसमुद्रम	244	00 14 00
	245	00 16 85
	246	00 21 16
	247	00 15 08
	248	00 13 13
	249	00 17 56
	251	00 08 56
	252	00 26 32
	253	00 10 26
	254	00 07 62
	255	00 15 86
	256	00 00 40
	296	00 27 02
	299	00 32 28
	300	00 13 47
	301	00 05 47
	303	00 17 85
	304	00 10 49
	307	00 19 36
	309	00 12 25
	312	00 19 96

1	2	3	4	5
1) तिमसमुद्रम (निरंतर)	313	00	00	64
	314	00	16	25
	317	00	12	52
	318	00	14	88
	321	00	03	25
	322	00	07	58
	324	00	13	62
	327	00	18	82
	328	00	10	79
	329	00	04	27
	330	00	26	58
	331	00	10	94
	332	00	06	51
	333	00	03	33
	334	00	00	84
	390	00	06	02
	393	00	13	29
	394	00	25	68
	397	00	13	32
	399	00	24	85
	400	00	25	26
	404	00	16	43
	406	00	17	29
	407	00	15	98
	411	00	15	65
	412	00	01	41
	414	00	20	59
	417	00	04	84
	418	00	05	52
	419	00	07	61
	420	00	05	17
	421	00	12	93
	422	00	13	76
	423	00	06	42
	424	00	09	78
	427	00	38	77
	480	00	23	03
	481	00	15	24

1	2	3	4	5
1) तिमसमुद्रम (निरंतर)	482	00	16	66
	487	00	11	40
	488	00	11	26
	495	00	17	28
	496	00	25	32
	498	00	12	35
	510	00	13	86
	511	00	19	78
	514	00	31	56

[फा. सं. एल 14014/32/2009 जी.पी.

के.के.शर्मा, अवर सचिव

New Delhi, the 30th October, 2009

S. O. 2983.—Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas from tap off point of Kakinada-Hyderabad-Uran-Ahmedabad trunk gas pipeline at Vijayawada in Andhra Pradesh of M/s. Reliance Gas Transportation Infrastructure Limited to consumers in various parts of the country, Vijayawada-Nellore-Chennai pipeline should be laid by M/s. Relogistics Infrastructure Limited;

And, whereas, it appears to Government of India that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India hereby declares its intention to acquire the Right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date of which the copies of the notification as published in the Gazette of India under sub-section (1) of Section 3 of the said Act, are made available to the general public, object in writing to the acquisition of Right of User therein for laying the pipeline under the land to Shri M.A. Gaffar, Competent Authority, Relogistics Infrastructure Limited, House No. 59-1-18/3, Opp Road to Maries Stella college, Bus route No. 5, Ramachandra Nagar, Vijayawada-520008, Krishna District, Andhra Pradesh State.

Schedule

Mandal/Tehsil/Taluk:Karamchedu		District:Prakasam		State:Andhra Pradesh	
Village	Survey No./Sub-Division No.	Area to be acquired for RoU			
		Hec	Are	C-Are	
1	2	3	4	5	
1) Karamchedu	741	00	04	57	
	742	00	17	74	
	744	00	50	18	
	745	00	18	61	
	746	00	69	81	
	777	00	76	11	
	1114	00	80	52	
	1115	00	08	23	
	1116	00	17	65	
	1117	00	06	83	
	1118	00	00	26	
	1124	00	16	79	
	1125	00	14	40	
	1126	00	12	53	
	1128	00	02	78	
	1129	00	22	45	
	1131	00	20	50	
	1132	00	19	15	
	1141	00	60	84	
	1152	00	21	03	
	1153	00	48	95	
	1154	00	21	62	
	1155	00	49	72	
	1160	00	12	91	
	Road in Gat No.1160	00	01	37	
	1167	00	28	19	
	1171	00	00	31	
	1172	00	05	73	
	1174	00	16	28	
	1175	00	37	48	
	1176	00	64	58	
	1182	00	09	01	
	1183	00	14	18	
	Nala in Gat No.1183	00	12	77	
	1184	00	26	09	
	1186	00	00	99	
	Nala in Gat No.1186	00	00	10	

1	2	3	4	5
1) Karamchedu (Contd)	1187	00	71	14
	1188	00	00	10
	1189	00	08	59
	1190	00	11	13
	1191	00	33	09
	1197	00	26	66
	1198	00	50	84
	1202	00	54	28
	1203	00	37	18
	1204	00	67	37
	1210	00	38	33
2) Swarana	987	00	00	36
	988	00	52	32
	992	00	60	89
	994	00	23	32
	995	00	02	55
	1000	00	25	71
	1003	00	34	42
	1007	00	33	98
	1008	00	31	98
	1009	00	00	33
	1010	00	00	10
	1011	00	04	69
	1012	00	06	93
	1013	00	30	04
	1017	00	40	29
	1018	00	00	29
	1030	00	65	73
	1034	00	28	88
	1035	00	18	17
	1036	00	03	26
	1051	00	14	99
	1054	00	55	16
	1055	00	26	49
	1056	00	31	56
	1057	00	02	45
	1183	00	00	36
	1184	00	13	69

1	2	3	4	5
2) Swarna (Contd)	1186	00	48	24
	1188	00	29	25
	1190	00	36	64
	1191	00	27	12
	1200	00	14	36
	1201	00	19	02
	1202	00	29	85
	1203	00	37	37
	1204	00	36	08
	1209	00	08	79
	1210	00	23	22
	1211	00	30	81
	1212	00	26	45
	1213	00	30	57
	1214	00	14	82
	1215	00	22	04
	1216	00	22	78
	1292	00	00	38
	1293	00	05	26
3) Kodavalivari Palem	338	00	04	58
	339	00	71	20
	340	00	36	90
	341	00	16	67
	342	00	04	57
	343	00	20	68
	344	00	26	39
	345	00	06	04
	500	00	09	89
	501	00	18	94
	506	00	33	94
	507	00	13	27
	508	00	29	04
	509	00	25	01
	510	00	21	66
	512	00	37	65
	513	00	08	21
	517	00	16	59
	518	00	32	85

1	2	3	4	5
3) Kodavalivari Palem (Contd)	519	00	47	04
	612	00	00	10
	613	00	15	15
	618	00	32	87
	619	00	28	77
	625	00	33	41
	626	00	34	05
	633	00	31	68
	634	00	29	08
	641	00	26	61
	642	00	24	67
	643	00	31	99
	644	00	12	74
	645	00	00	42
	646	00	43	95
	647	00	17	43
	648	00	01	79

Mandal/Tehsil/Taluk:Chirala	District:Prakasam	State:Andhra Pradesh		
1) Chirala	90	00	02	10
	104	00	17	47
	105	00	29	28
	121	00	57	07
	122	00	06	95
	123	00	14	66
	124	00	48	26
	136	00	53	37
	138	00	60	48
	139	00	01	45
	154	00	30	49
	155	00	30	48
	157	00	20	76
	158	00	58	62
	159	00	16	33

Mandal/Tehsil/Taluk:Chinaganjam	District:Prakasam	State:Andhra Pradesh		
1) Santaravuru	150	00	17	89
	153	00	51	39
	159	00	49	83
	166	00	17	92
	167	00	12	92
	168	00	07	12

1	2	3	4	5
1) Santaravuru (Contd)	176	00	27	10
	189	00	31	42
	190	00	25	71
	191	00	32	68
	192	00	05	87
	193	00	52	14
	271	00	08	23
	285	00	36	54
	286	00	00	23
	294	00	09	92
	298	00	52	61
	299	00	10	41
	300	00	21	73
	301	00	01	93
	317	00	14	37
	321	00	12	86
	322	00	13	10
	607	00	11	57
	608	00	19	83
	609	00	21	91
	610	00	05	77
	611	00	12	05
	612	00	13	57
	613	00	02	83
	615	00	27	30
	616	00	35	51
	623	00	15	76
	624	00	19	30
	625	00	21	21
	628	00	14	99
	629	00	12	76
	630	00	26	07
	631	00	25	46
2) Kadavakuduru	202	00	76	66
	203	00	00	50
	4	00	01	55
	11	00	09	30
	12	00	06	98

1	2	3	4	5
2) Kadavakuduru (Contd)	13	00	20	43
	14	00	51	13
	15	00	37	42
	16	00	37	82
	17	00	26	28
	18	00	35	90
	19	00	37	29
	60	00	46	60
	64	00	01	86
	65	00	19	87
	67	00	08	74
	69	00	02	25
	70	00	30	44
	74	00	06	16
	75	00	28	47
	76	00	06	54
	130	00	21	27
	132	00	01	64
	136	00	28	42
	137	00	13	63
	Road in Gat No.137	00	01	93
	138	00	12	50
	139	00	19	32
	208	00	65	44
	209	00	13	92
	210	00	46	33
	211	00	19	52
3) Gonasapudi	124	00	29	11
	125	00	21	35
	126	00	05	82
	127	00	14	77
	128	00	30	71
	135	00	04	25
	136	00	20	52
	140	00	05	69
	146	00	66	86
	147	00	06	60
	148	00	14	03

1	2	3	4	5
3) Gonasapudi (Contd)	149	00	13	48
	150	00	61	30
	151	00	03	66
	421	00	25	74
	422	00	02	09
	423	00	00	10
	424	00	37	33
	425	00	47	68
4) Chintagumpalle	90	00	29	77
	91	00	07	57
	92	00	06	52
	93	00	03	97
	96/A	00	22	83
	96/B	00	10	90
	96/C	00	11	66
	97	00	00	10
	98	00	15	68
	99	00	42	12
	105	00	50	68
	137	00	20	39
	140	00	73	48
	141	00	07	35
	142	00	00	10
	157	00	47	72
	158	00	83	26
	160	00	06	21
	170	00	44	25
5) Chinaganjam	9	00	03	11
	16	00	15	18
	17	00	24	68
	19	00	85	79
	20	00	04	23
	21	00	59	40
	23	00	01	03
	24	00	33	75
	26	00	21	07
	27	00	58	73
	36	00	05	44

1	2	3	4	5
5) Chinaganjam (Contd)	37	00	42	94
	41	00	43	25
	42	00	45	92
	47	00	42	53
	48	00	13	33
	53	00	67	13
	54	00	01	18
	55	00	48	80
	57	00	18	66
	61	00	71	49
	63	00	11	47
	64	00	48	28
	67	00	48	39
	69	00	38	83
	70	00	44	59
	71	00	36	03
	72	00	16	80

Mandal/Tehsil/Taluk: Naguluppalapadu		District: Prakasam		State: Andhra Pradesh	
1) Thimmasamudram	244	00	14	00	
	245	00	16	85	
	246	00	21	16	
	247	00	15	08	
	248	00	13	13	
	249	00	17	56	
	251	00	08	56	
	252	00	26	32	
	253	00	10	26	
	254	00	07	62	
	255	00	15	86	
	256	00	00	40	
	296	00	27	02	
	299	00	32	28	
	300	00	13	47	
	301	00	05	47	
	303	00	17	85	
	304	00	10	49	
	307	00	19	36	
	309	00	12	25	
	312	00	19	96	

1	2	3	4	5
1) Thimmasamudram (Contd)	313	00	00	64
	314	00	16	25
	317	00	12	52
	318	00	14	88
	321	00	03	25
	322	00	07	58
	324	00	13	62
	327	00	18	82
	328	00	10	79
	329	00	04	27
	330	00	26	58
	331	00	10	94
	332	00	06	51
	333	00	03	33
	334	00	00	84
	390	00	06	02
	393	00	13	29
	394	00	25	68
	397	00	13	32
	399	00	24	85
	400	00	25	26
	404	00	16	43
	406	00	17	29
	407	00	15	98
	411	00	15	65
	412	00	01	41
	414	00	20	59
	417	00	04	84
	418	00	05	52
	419	00	07	61
	420	00	05	17
	421	00	12	93
	422	00	13	76
	423	00	06	42
	424	00	09	78
	427	00	38	77
	480	00	23	03
	481	00	15	24

1	2	3	4	5
1) Thimmasamudram (Contd)	482	00	16	66
	487	00	11	40
	488	00	11	26
	495	00	17	28
	496	00	25	32
	498	00	12	35
	510	00	13	86
	511	00	19	78
	514	00	31	56

[F. No. L-14014/32/2009-G.P.
K.K.SHARMA, Under Secy.

नई दिल्ली, 30 अक्टूबर, 2009

का. आ. 2984.—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) के नियम 2 (क) के अन्तर्गत, मैसर्स रिलायन्स गैस ट्रान्सपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड (आर.जी.टी.आइ.एल) के द्वारा गुजरात राज्य में प्राकृतिक गैस पाइपलाइन बिछाई जाने हेतु सक्षम प्राधिकारी के कार्यों का निर्वहन करने के लिए, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की, भारत के राजपत्र दिनांक 11 मार्च, 2006 को प्रकाशित, अधिसूचना का.आ. 960 दिनांक 07 मार्च, 2006, द्वारा पदस्थापित, में, वी.आइ.गोहिल, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियमावली, 1963 के नियम 4 के उप-नियम (1) के नीचे दी गई व्याख्या (1) के अन्तर्गत अधिकारों के अनुपालन में, मैसर्स आर.जी.टी.आइ.एल. जिसमें यथास्थित, उस क्षेत्र में भूमि में उपयोग का अधिकार निहित किया गया है और उस क्षेत्र में पाइपलाइन का स्वामित्व निहित है, के परामर्श से, संलग्न अनुसूची के स्तम्भ 4 में गुजरात राज्य के सुरत जिले में यथा उल्लेखित प्राकृतिक गैस पाइपलाइन बिछाए जाने के प्रचालन की समाप्ति की तारीखों की घोषणा करता हूँ ।

अनुसूची

तहसील : चोर्यासी		जिला : सुरत	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नं. और धारा 6(1) के आधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4

1 कछेली 2323 तारीख 27.06.2005 31.07.2009
 4334 तारीख 07.11.2006
 1329 (अ) तारीख 22.05.2009
 993 (अ) तारीख 21.04.2009

2 भाटीया 2323 तारीख 27.06.2005 30.05.2008

3 वक्ताना 2323 तारीख 27.06.2005 31.07.2009
 568 तारीख 20.02.2007
 1329 (अ) तारीख 22.05.2009

4 खोणन्द 2323 तारीख 27.06.2005 31.07.2009
 1329 (अ) तारीख 22.05.2009

5 गोजा 2323 तारीख 27.06.2005 30.05.2008

6 महोणी 2323 तारीख 27.06.2005 31.07.2009
 1329 (अ) तारीख 22.05.2009
 993 (अ) तारीख 21.04.2009

7 साबरगाम 2323 तारीख 27.06.2005 31.07.2009
 993 (अ) तारीख 21.04.2009

तहसील : पलसाणा		जिला : सुरत	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नं. और धारा 6(1) के आधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4

1 अंत्रोली 2323 तारीख 27.06.2005 31.07.2009
 4334 तारीख 07.11.2006
 993 (अ) तारीख 21.04.2009

तहसील : कामरेज		जिला : सुरत	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नं. और धारा 6(1) के आधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4

1 छेडछा 2323 तारीख 27.06.2005 30.05.2008

तहसील : कामरेज		जिला : सूरत	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नंबर और धारा 6(1) के आधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4
2	कोसमाडा	2323 तारीख 27.06.2005 993 (अ) तारीख 21.04.2009	31.07.2009
3	लसकाना	2323 तारीख 27.06.2005	30.05.2008
4	अब्रामा	2323 तारीख 27.06.2005 1329 (अ) तारीख 22.05.2009	31.07.2009
5	वेलंजा	2323 तारीख 27.06.2005 4334 तारीख 07.11.2006 1329 (अ) तारीख 22.05.2009 993 (अ) तारीख 21.04.2009	31.07.2009
6	शेखपुर	2323 तारीख 27.06.2005 1329 (अ) तारीख 22.05.2009	31.07.2009
तहसील : ओलपाड		जिला : सूरत	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नंबर और धारा 6(1) के आधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4
1	कारेली	2323 तारीख 27.06.2005 4334 तारीख 07.11.2006 1329 (अ) तारीख 22.05.2009 993 (अ) तारीख 21.04.2009	31.07.2009
2	स्यादला	2323 तारीख 27.06.2005 4334 तारीख 07.11.2006 1329 (अ) तारीख 22.05.2009 993 (अ) तारीख 21.04.2009	31.07.2009
3	सीमलथु	2323 तारीख 27.06.2005 4334 तारीख 07.11.2006	30.05.2008
4	अनीता	2323 तारीख 27.06.2005 4334 तारीख 07.11.2006 1329 (अ) तारीख 22.05.2009	31.07.2009
5	उमराछी	2323 तारीख 27.06.2005 4334 तारीख 07.11.2006 1329 (अ) तारीख 22.05.2009	31.07.2009

तहसील : ओलपाड		जिला : सुरत	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नं. और धारा 6(1) के आधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4
6	मुलद	4829 तारीख 11.12.2006	30.05.2008
7	मुलद (ग्यासपुर)	260 (अ) तारीख 06.02.2007 1329 (अ) तारीख 22.05.2009	31.07.2009

पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 17 के अंतर्गत संरचित पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अंतर्गत भारत सरकार के राजपत्र में प्रकाशनार्थ.

[फा. सं. एल. 14014/28/2009 जी.पी.
के.के.शर्मा, अवर सचिव

New Delhi, the 30th October, 2009

S. O. 2984.— In pursuance of powers conferred by Explanation(I) in sub-rule(I) of Rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963, I, V.I.Gohil appointed by Government of India. Ministry of Petroleum & Natural Gas vide Notification S.O.960 dated 07th March, 2006 (Published in the Gazette of India on 11th March, 2006) under Section 2(a) of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) to perform the functions of Competent Authority for laying natural gas pipelines by M/S Reliance Gas Transportation Infrastructure Limited (RGTIL) in the State of Gujarat, in consultation with M/S RGTIL, to whom the Right of User in the land in that area has been vested and in whom the ownership of the pipeline in that area vests, hereby declare the dates, mentioned in Column 4 of the Schedule annexed herewith, as the dates of termination of RoU operation in District Surat in the State of Gujarat.

SCHEDULE

Tehsil : Choryasi		District : Surat	State : Gujarat
Sr.No.	Village	S.O.No. and Date of Notification under sub-section (1) of Section 6	Date of Termination of Operation
1	2	3	4
1	Kachholi	2323 Date.27.06.2005 4334 Date.07.11.2006 1329(E) Date.22.05.2009 993(E) Date.21.04.2009	31.07.2009
2	Bhatiya	2323 Date.27.06.2005	30.05.2008
3	Waktana	2323 Date.27.06.2005 568 Date.20.02.2007 1329(E) Date.22.05.2009	31.07.2009
4	Bonand	2323 Date.27.06.2005 1329(E) Date.22.05.2009	31.07.2009
5	Goja	2323 Date.27.06.2005	30.05.2008
6	Mahoni	2323 Date.27.06.2005 1329(E) Date.22.05.2009 993(E) Date.21.04.2009	31.07.2009
7	Sabargam	2323 Date.27.06.2005 993(E) Date.21.04.2009	31.07.2009
Tehsil : Palsana		District : Surat	State : Gujarat
Sr.No.	Village	S.O.No. and Date of Notification under sub-section (1) of Section 6	Date of Termination of Operation
1	2	3	4
1	Antroli	2323 Date.27.06.2005 4334 Date.07.11.2006 993(E) Date.21.04.2009	31.07.2009
Tehsil : Kamrej		District : Surat	State : Gujarat
Sr.No.	Village	S.O.No. and Date of Notification under sub-section (1) of Section 6	Date of Termination of Operation
1	2	3	4
1	Chedchha	2323 Date.27.06.2005	30.05.2008
2	Kosmada	2323 Date.27.06.2005 993(E) Date.21.04.2009	31.07.2009
3	Laskana	2323 Date.27.06.2005	30.05.2008
4	Abrama	2323 Date.27.06.2005 1329(E) Date.22.05.2009	31.07.2009
5	Velanja	2323 Date.27.06.2005 4334 Date.07.11.2006 1329(E) Date.22.05.2009 993(E) Date.21.04.2009	31.07.2009
6	Shekhpur	2323 Date.27.06.2005 1329(E) Date.22.05.2009	31.07.2009
Tehsil : Olpad		District : Surat	State : Gujarat
Sr.No.	Village	S.O.No. and Date of Notification under sub-section (1) of Section 6	Date of Termination of Operation
1	2	3	4
1	Kareli	2323 Date.27.06.2005 4334 Date.07.11.2006 1329(E) Date.22.05.2009 993(E) Date.21.04.2009	31.07.2009

Tehsil : Olpad		District : Surat	State : Gujarat
Sr.No.	Village	S.O.No. and Date of Notification under sub-section (1) of Section 6	Date of Termination of Operation
1	2	3	4
2	Syadla	2323 Date.27.06.2005 4334 Date.07.11.2006 1329(E) Date.22.05.2009 993(E) Date.21.04.2009	31.07.2009
3	Simlthu	2323 Date.27.06.2005 4334 Date.07.11.2006	30.05.2008
4	Anita	2323 Date.27.06.2005 4334 Date.07.11.2006 1329(E) Date.22.05.2009	31.07.2009
5	Umarachhi	2323 Date.27.06.2005 4334 Date.07.11.2006 1329(E) Date.22.05.2009	31.07.2009
6	Mulad	4829 Date.11.12.2006	30.05.2008
7	Mulad(Gyaspur)	260(E) Date.06.02.2007 1329(E) Date.22.05.2009	31.07.2009

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[F. No. L-14014/28/2009-G.P.
K.K.SHARMA, Under Secy.

नई दिल्ली, 30 अक्टूबर, 2009

का. आ. 2985.—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962

(1962 का 50) के नियम 2 (क) के अन्तर्गत, मैसर्स रिलायन्स गैस ट्रान्सपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड (आर.जी.टी.आइ.एल) के द्वारा गुजरात राज्य में प्राकृतिक गैस पाइपलाइन बिछाई जाने हेतु सक्षम प्राधिकारी के कार्यों

का निर्वहन करने के लिए, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की, भारत के राजपत्र दिनांक 11

मार्च, 2006 को प्रकाशित, अधिसूचना का.आ. 960. दिनांक 07 मार्च, 2006, द्वारा पदस्थापित, मै.वी.आइ.गोहिल, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियमावली, 1963 के नियम 4 के उप-नियम (1) के नीचे दी गई व्याख्या (1) के अन्तर्गत अधिकारों के अनुपालन में, मैसर्स आर.जी.टी.आइ.एल. जिसमें यथास्थित, उस क्षेत्र में भूमि में उपयोग का अधिकार निहित किया गया है और उस क्षेत्र में

पाइपलाइन का स्वामित्व निहित है, के परामर्श से, संलग्न अनुसूची के स्तम्भ 4 में गुजरात राज्य के भरुच जिले में यथा

उल्लेखित प्राकृतिक गैस पाइपलाइन बिछाए जाने के प्रचालन की समाप्ति की तारीखों की घोषणा करता हूँ।

अनुसूची

तहसील : हांसोट		जिला : भुव	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नंबर और धारा 6(1) के आधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4
1	ओभा	2064 तारीख 03.06.2005 2987 तारीख 31.10.2008	31.12.2008
2	पर्वत	2064 तारीख 03.06.2005 2987 तारीख 31.10.2008	31.12.2008
3	कुडादरा	2064 तारीख 03.06.2005	30.03.2008
4	कलम	2064 तारीख 03.06.2005 2987 तारीख 31.10.2008	31.12.2008
5	मांगरोल	2064 तारीख 03.06.2005 2987 तारीख 31.10.2008	31.12.2008
6	उत्राज	2064 तारीख 03.06.2005 2987 तारीख 31.10.2008	31.12.2008
तहसील : भुव		जिला : भुव	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नंबर और धारा 6(1) के आधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4
1	नवेठा	2064 तारीख 03.06.2005	30.05.2008
2	भुवा	2064 तारीख 03.06.2005	30.05.2008
3	आमदडा	2064 तारीख 03.06.2005	30.05.2008
4	अमलेश्वर	2064 तारीख 03.06.2005	30.05.2008
5	कुरला	2064 तारीख 03.06.2005	30.05.2008
तहसील : वागरा		जिला : भुव	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नंबर और धारा 6(1) के आधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4
1	जुनेद	2064 तारीख 03.06.2005 4254 तारीख 02.11.2006	30.05.2008

तहसील : वागरा		जिला : भुव	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नंबर और धारा 6(1) के आधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4
2	आंकोट	2064 तारीख 03.06.2005 2987 तारीख 31.10.2008	31.12.2008

पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 17 के अंतर्गत संरचित पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अंतर्गत भारत सरकार में राजपत्र के प्रकाशनार्थ.

[फा. सं. 14014/28/2009 जी.पी.
के.के.शर्मा, अवर सचिव

New Delhi, the 30th October, 2009

S. O. 2985.— In pursuance of powers conferred by Explanation(I) in sub-rule(I) of Rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963, I, V.I.Gokil appointed by Government of India. Ministry of Petroleum & Natural Gas vide Notification S.O.960 dated 07th March, 2006 (Published in the Gazette of India on 11th March, 2006) under Section 2(a) of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) to perform the functions of Competent Authority for laying natural gas pipelines by M/S Reliance Gas Transportation Infrastructure Limited (RGTEL) in the State of Gujarat, in consultation with M/S RGTEL, to whom the Right of User in the land in that area has been vested and in whom the ownership of the pipeline in that area vests, hereby declare the dates, mentioned in Column 4 of the Schedule annexed herewith, as the dates of termination of RoU operation in District Bharuch in the State of Gujarat.

SCHEDULE

Tehsil : Hansot		District : Bharuch	State : Gujarat
Sr.No.	Village	S.O.No. and Date of Notification under sub-section (1) of Section 6	Date of Termination of Operation
1	2	3	4
1	Obha	2064 Date.03.06.2005 2987 Date.31.10.2008	31.12.2008
2	Parvat	2064 Date.03.06.2005 2987 Date.31.10.2008	31.12.2008
3	Kudadara	2064 Date.03.06.2005	30.03.2008
4	Kalam	2064 Date.03.06.2005 2987 Date.31.10.2008	31.12.2008
5	Mangrol	2064 Date.03.06.2005 2987 Date.31.10.2008	31.12.2008
6	Utraj	2064 Date.03.06.2005 2987 Date.31.10.2008	31.12.2008

Tehsil : Bharuch		District : Bharuch	State : Gujarat
Sr.No.	Village	S.O.No. and Date of Notification under sub-section (1) of Section 6	Date of Termination of Operation
1	2	3	4
1	Navetha	2064 Date.03.06.2005	30.05.2008
2	Bhuva	2064 Date.03.06.2005	30.05.2008
3	Aamdada	2064 Date.03.06.2005	30.05.2008
4	Amleshwar	2064 Date.03.06.2005	30.05.2008
5	Kurla	2064 Date.03.06.2005	30.05.2008

Tehsil : Vagra		District : Bharuch	State : Gujarat
Sr.No.	Village	S.O.No. and Date of Notification under sub-section (1) of Section 6	Date of Termination of Operation
1	2	3	4
1	Juned	2064 Date.03.06.2005 4254 Date.02.11.2006	30.05.2008
2	Ankot	2064 Date.03.06.2005 2987 Date.31.10.2008	31.12.2008

V.I Gohil

Competent Authority,
RGTEL Pipeline Project,
Surat (Gujarat).

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framed under Section 17 of P&MP
(ARUL) Act, 1962 in official
Gazette of India.

[F. No. L-14014/28/2009-G.P.
K.K.SHARMA, Under Secy.

नई दिल्ली, 30 अक्टूबर, 2009

का. आ. 2986.—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962

(1962 का 50) के नियम 2 (क) के अन्तर्गत, मैसर्स रिलायन्स गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड

(आर.जी.टी.आइ.एल) के द्वारा गुजरात राज्य में प्राकृतिक गैस पाइपलाइन बिछाई जाने हेतु सक्षम प्राधिकारी के

कार्यों का निर्वहन करने के लिए, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की, भारत के राजपत्र

दिनांक 11 मार्च, 2006 को प्रकाशित, अधिसूचना का.आ. 960 दिनांक 07 मार्च, 2006, द्वारा पदस्थापित, मैं,

वी.आइ.गोहिल, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियमावली, 1963 के

नियम 4 के उप-नियम (1) के नीचे दी गई व्याख्या (1) के अन्तर्गत अधिकारों के अनुपालन में, मैसर्स

आर.जी.टी.आइ.एल. जिसमें यथास्थित, उस क्षेत्र में भूमि में उपयोग का अधिकार निहित किया गया है और उस क्षेत्र

में पाइपलाइन का स्वामित्व निहित है, के परामर्श से, संलग्न अनुसूची के स्तम्भ 4 में गुजरात राज्य के नवसारी जिले में

यथा उल्लेखित प्राकृतिक गैस पाइपलाइन बिछाए जाने के प्रचालन की समाप्ति की तारीखों की घोषणा करता हूँ ।

अनुसूची

तहसील : गणदेवी		जिला : नवसारी	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नं. और धारा 6(1) के आधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4
1	नादरखा	1917 तारीख 26.05.2005 1815 (अ) तारीख 17.10.2007	30.05.2008
2	केसली	1917 तारीख 26.05.2005 4335 तारीख 10.11.2006	30.05.2008
3	अंभेटा	1917 तारीख 26.05.2005 1815 (अ) तारीख 17.10.2007	30.05.2008
4	देसाड	1917 तारीख 26.05.2005	30.05.2008
5	खेरगाम	1917 तारीख 26.05.2005 1815 (अ) तारीख 17.10.2007	30.05.2008
6	वडसांगल	1917 तारीख 26.05.2005	30.05.2008
7	दुवाडा	1917 तारीख 26.05.2005 1815 (अ) तारीख 17.10.2007	30.05.2008
8	धनोरी	1917 तारीख 26.05.2005	30.05.2008
9	पीपलधरा	1917 तारीख 26.05.2005 4335 तारीख 10.11.2006	30.05.2008
तहसील : नवसारी		जिला : नवसारी	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नं. और धारा 6(1) के आधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4
1	उन	1917 तारीख 26.05.2005	30.05.2008
2	दंडेश्वर	1917 तारीख 26.05.2005	30.05.2008
3	आमडपोर	1917 तारीख 26.05.2005 4335 तारीख 10.11.2006	30.05.2008
4	पडघा	1917 तारीख 26.05.2005	30.05.2008
5	धामण	1917 तारीख 26.05.2005	30.05.2008
तहसील : जलालपोर		जिला : नवसारी	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नं. और धारा 6(1) के आधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4
1	सीमलक	1917 तारीख 26.05.2005	30.05.2008
2	डाभेल	1917 तारीख 26.05.2005 4335 तारीख 10.11.2006	30.05.2008

तहसील : जलालपुर		जिला : नवसारी	राज्य : गुजरात
अ.नं.	गाँव का नाम	का.आ.नंबर और धारा 6(1) के अधीन अधिसूचना की तारीख	प्रचालन समाप्ति की तारीख
1	2	3	4

3	आसणा	1917 तारीख 26.05.2005 4335 तारीख 10.11.2006	30.05.2008
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पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 17 के अंतर्गत संरचित पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अंतर्गत भारत सरकार के राजपत्र में प्रकाशनार्थ.

[फा. सं. एल 14014/28/2009 जी.पी.
के.के.शर्मा, अवर सचिव]

New Delhi, the 30th October, 2009

S. O. 2986.—In pursuance of powers conferred by Explanation(I) in sub-rule(I) of Rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963, I, V.I.Gohil appointed by Government of India. Ministry of Petroleum & Natural Gas vide Notification S.O.960 dated 07th March, 2006 (Published in the Gazette of India on 11th March, 2006) under Section 2(a) of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) to perform the functions of Competent Authority for laying natural gas pipelines by M/S Reliance Gas Transportation Infrastructure Limited (RGTEL) in the State of Gujarat, in consultation with M/S RGTEL, to whom the Right of User in the land in that area has been vested and in whom the ownership of the pipeline in that area vests, hereby declare the dates, mentioned in Column 4 of the Schedule annexed herewith, as the dates of termination of RoU operation in District Navsari in the State of Gujarat.

SCHEDULE

Tehsil : Gandevi		District : Navsari	State : Gujarat
Sr.No.	Village	S.O.No. and Date of Notification under sub-section (1) of Section 6	Date of Termination of Operation
1	2	3	4
1	Nandarkha	1917 Date.26.05.2005 1815(E) Date.17.10.2007	30.05.2008

1	2	3	4
2	Kesli	1917 Date.26.05.2005 4335 Date.10.11.2006	30.05.2008
3	Ambheta	1917 Date.26.05.2005 1815(E) Date.17.10.2007	30.05.2008
4	Desad	1917 Date.26.05.2005	30.05.2008
5	Khergam	1917 Date.26.05.2005 1815(E) Date.17.10.2007	30.05.2008
6	Vadsangal	1917 Date.26.05.2005	30.05.2008
7	Duvada	1917 Date.26.05.2005 1815(E) Date.17.10.2007	30.05.2008
8	Dhanori	1917 Date.26.05.2005	30.05.2008
9	Pipaldhara	1917 Date.26.05.2005 4335 Date.10.11.2006	30.05.2008

Tehsil : Navsari		District : Navsari	State : Gujarat
Sr.No.	Village	S.O.No. and Date of Notification under sub-section (1) of Section 6	Date of Termination of Operation
1	2	3	4
1	Uan	1917 Date.26.05.2005	30.05.2008
2	Dandeshwar	1917 Date.26.05.2005	30.05.2008
3	Amadpor	1917 Date.26.05.2005 4335 Date.10.11.2006	30.05.2008
4	Padgha	1917 Date.26.05.2005	30.05.2008
5	Dhaman	1917 Date.26.05.2005	30.05.2008

Tehsil : Jalalpor		District : Navsari	State : Gujarat
Sr.No.	Village	S.O.No. and Date of Notification under sub-section (1) of Section 6	Date of Termination of Operation
1	2	3	4
1	Simlak	1917 Date.26.05.2005	30.05.2008
2	Dabbhel	1917 Date.26.05.2005 4335 Date.10.11.2006	30.05.2008
3	Asana	1917 Date.26.05.2005 4335 Date.10.11.2006	30.05.2008

To be published under Rule 4 of the P&MP (ARUL) Rules, 1963, framed under Section 17 of P&MP (ARUL) Act, 1962 in official Gazette of India.

[F. No. L-14014/28/2009-G.P.
K.K. SHARMA, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 5 अक्टूबर, 2009

का. आ. 2987.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, सी.पी.डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 नई दिल्ली के पंचाट (संदर्भ संख्या 22/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-2009 को प्राप्त हुआ था।

[सं. एल-42011/79/2006-आईआर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 5th October, 2009

S. O. 2987.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.22/2007) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1 New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workmen, which was received by the Central Government on 5-10-2009.

[No. L-42011/79/2006-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV : PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, NO. 1, NEW
DELHI, KARKARDOOMA COURT COMPLEX,
DELHI**

I. D. 22/2007

Shri Mohd. Abbas through All India CPWD (MRM) Karamchari Sangathan, H. No. 4823, Gali No. 13, Balbir Nagar Extension, Shahdara, Delhi-110032.

...Workman.

Versus

1. The Superintending Engineer, Electrical Coordination Circle, CPWD, East Block, R. K. Puram, New Delhi.
2. The Executive Engineer, S. Division, CPWD, East Block, R. K. Puram, New Delhi.

... Management.

AWARD

1. Mohd. Abbas was engaged as muster roll beldar by the Executive Engineer, S. Division, CPWD for the first

time on 6-11-1980. His services were regularised in work charged establishment with effect from 1-3-1993. The Apex Court in Surendar Singh's case [1986(1) S.C.C. 639] commanded CPWD to pay equal wages for equal work. It was impressed upon the authorities to take step for regularisation of services of muster roll employees, who have rendered continuous service of more than 6 months. In pursuance of the said order, the Central Government created 8982 posts in September 1992 for regularisation of eligible workers, who were engaged prior to 19-11-85. Horticulture wing of CPWD regularised the daily rated employees, while Electrical and Civil wings have not taken steps for regularisation of daily rated workers, claimed Mohd. Abbas. He raised an industrial dispute before the Conciliation Officer, claiming his regularisation, since the date of his initial engagement. Since conciliation proceeding failed, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-42011/79/2006-IR(DU), New Delhi dated 1-3-2007, with following terms:

"Whether the demand of All India CPWD (MRM) Karamchari Sangathan for regularisation of services of Shri Mohd. Abbas, from the date of his initial employment on muster roll is legal and justified? If yes, to what relief the workman is entitled to?"

2. Claim statement was filed by the workman pleading that he was appointed as daily rated beldar on muster roll with effect from 6-11-80. He had put in 240 days continuous service in each year from the date of his initial appointment. His services were regularised with effect from 1-3-93 in the pay scale of Rs. 750-940. There are three wings under CPWD, viz. Civil, Electrical and Horticulture. Several daily rated employees are employed by the management in those three wings. The Apex Court in Surendar Singh's case commanded CPWD to regularise daily rated workmen from the date of their initial employment, who have put in 6 month of continuous service. In compliance of the said order, the Government of India took decision to regularise daily rated and workers of CPWD by 7-12-88. Order dated 25-8-88 were issued in that regard. Horticulture wing have regularised its daily rated employees, while Electrical and Civil wings have not taken any action in that regard. It was an unfair labour practice on the part of the management. Ram Khiladi, a daily rated employee, was ordered to be regularised by Industrial Tribunal, Government of N.C.T. Delhi, who was similarly situated as the workman is placed. It was claimed that his services be ordered to be regularised with effect from 6-11-80.

3. Contest was given to the claim petition, pleading that in Surendar Singh's case, the Apex Court ruled that all daily rated workers shall be paid same salary and allowances as were paid to regular employees. The apex court impressed upon the Government to take appropriate steps for regularisation of services of the employees, who have put in continuous service for more than 6 months. It was

claimed that the Apex Court nowhere ordered that their services were to be regularised from the date of their initial engagement. Services of Mohd. Abbas were regularised from the date when a vacant post was available. His claim petition is liable to be dismissed.

4. Workman entered the witness box on 20-5-09, when his testimony was recorded in part. Thereafter he opted not to appear before the Tribunal for his testimony. His evidence remained incomplete. No opportunity could be given to the management to purify his testimony by an ordeal of cross-examination. Hence his evidence can not be read in the case. No other witness was examined on behalf of the workman. Consequently there remained a vacuum of evidence, as far as case of workman is concerned. Shri Ram Kirpal, Executive Engineer, tendered his affidavit in evidence on behalf of the management. He was cross examined in detail on behalf of the workman. No other witness was examined on behalf of the management.

5. Arguments were heard at the bar. Shri Satish Kumar Sharma, authorised representative, raised his submission on behalf of the workman. Shri Neeraj Kumar, authorised representative, presented his point of view on behalf of the management. I have given my careful considerations to the argument advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows.

6. Through evidence of Mohd. Abbas remained incomplete and no opportunity was given to the management to cross examine him, yet facts presented by him, which remained undisputed, can be taken into consideration. Therefore, undisputed facts testified by Mohd. Abbas, are taken into account for assessment of events. Mohd. Abbas claims that he joined office of Executive Engineer, Exhibition Division-I of CPWD on 6-11-80. Photocopy of his appointment letter is Ex. WW1/1. He had not rendered continuous service of 240 days in the year 1980. He also worked with the management in 1981, but in that year too he had not rendered 240 days continuous service. He worked with the management in 1983, in which year he rendered continuous service of 240 days. His services were regularised by the management on 1st March, 1993. Out of these facts, projected by Mohd. Abbas, it came to light that he had not rendered continuous service for 240 days either in the year 1980 or in 1981 or 1982. He worked intermittently with the management in years 1980, 1981 and 1982. When Mohd. Abbas did not render continuous service for 240 days with the management since 6-11-80, his claim for regularisation of his services from that date falls to the ground.

7. Neither in his incomplete testimony nor out of cross examination of Shri Ram Kirpal, executive engineer, the workman could bring his date of engagement in 1983 as muster roll beldar, over the record. Consequently there remained a vacuum as to the date of employment of Mohd.

Abbas as a muster roll employee in 1983, the date from which he continuously served the management till his services were regularised on 1-3-93. Shri Ram Kirpal deposed that in Surender Singh's case the Apex Court impressed upon the management to take steps for regularisation of the services of muster roll employees, who have put in continuous service for not less than 6 months. It is not the area of dispute that in the said precedent the Apex Court had expressed hope for steps to be taken by the Government for regularisation of muster roll employees. In compliance of the said order, 8982 posts were created. Directions were issued to all concerned officers, vide letter Ex. MW1/W2, to ensure that seniority list of muster roll employees was in order. Letter Ex. MW1/W3 was written asking for clarification relating to discrepancy, if any, in that list. Thereafter muster roll employees were regularised. It is not the case of the workman that his name appeared in that list, for whom vacancies were available for regularisation of their services.

8. Services of an employee is to be regularised in accordance with the continuity of his service, seniority, subject to availability of a vacant post and on fulfillment of requirement prescribed under the recruitment rules. Therefore to seek regularisation of his services from the date of his engagement in 1983, Mohd. Abbas was under an obligation to establish that he was senior enough to be regularised, there was a vacancy available and he fulfilled requirement prescribed by the rules. Except the fact that he rendered continuous service for 240 days in 1983, no evidence was brought over the record on his behalf to establish that there was a post lying vacant, he fulfilled requirement as contained in recruitment rules and was at the top of list for consideration for regularisation to the post. For desideratum of evidence on these issues, claims of Mohd. Abbas for regularisation in the year 1983 or thereafter till 1-3-93, does not gain roots.

9. In the claim petition the workman projects that services of Ram Khiladi, who was similarly placed, have been regularised by the management in compliance of an award passed by Industrial Tribunal, Government of N.T.C. Delhi. During the course of cross examination of Ram Kirpal, order Ex. MW1/5 was put to him. The said order was passed by the management in compliance of the award of the Industrial Tribunal. Neither the award has been placed before this Tribunal nor the workman produced evidence to the effect that Ram Khiladi rendered services as a muster roll employee for 240 days, was not senior to be regularised and no vacancy was there to regularise his services. Order Ex. MW1/5 does not spell out the facts of the case of Ram Khiladi. Consequently the workman has not been able to establish parity with the case of Ram Khiladi. In the absence of facts relating to Ram Khiladi, this Tribunal cannot find out any case in favour of the workman, on parity of facts. The workman has completely failed to establish his case at par with the case of Ram Khiladi.

10. Whether an employee, who has been appointed in adhoc capacity can claim regularisation of his services? For an answer one has to find out the difference between temporary and permanent notice of job. A "seasonal workman" is engaged in a job which lasts during a particular season only, while a temporary workman may be engaged either for a work of temporary or casual nature or temporarily for work of a permanent nature, but a permanent workman is one who is engaged in a work of permanent nature only. The distinction between permanent workman engaged on a work of permanent nature and a temporary workman engaged on a work of permanent nature is, in fact, that a temporary workman is engaged to fill in a temporary need of extra hands of permanent jobs. Thus when a workman is engaged on a work of permanent nature which lasts throughout the year, it is expected that he would continue there permanently unless he is engaged to fill in a temporary need. In other words a workman is entitled to expect permanency of his service. Law to this effect was laid by the Apex Court in *Jaswant Sugar Mills (1961) 1 LLJ 649*.

11. As per the case of the workman, he was not appointed against a permanent vacancy or temporarily against a work of permanent nature. Consequently it is evident that the workman was appointed against a work of temporary nature only. A temporary workman would not acquire permanency of tenure merely because he is employee in a permanent department or given some benefit ordinarily enjoyed by the permanent workman. Such proposition was laid in *Rohtas Industries Limited Vs. Brijnandan Pandey (1956) 2 LLJ 444*.

12. Some casual workmen employed in a Canteen, raised demand of permanency in service. The Tribunal directed that from particular date they should be treated as probationer and appointed in permanent vacancy without going into the question as to whether more than permanent workman were necessary to be appointed in the canteen, over and above the existing permanent strength to justify the making of the casual workman as permanent, where they were working. Neither there was any permanent vacancy in existence nor the Tribunal directed for creation of new posts. When the matter reached the Apex Court, it was announced that the Tribunal was not justified in making these directions. The workman may be made permanent only against permanent vacancies and not otherwise, announced the Apex Court in *Hindustan Aeronautics Limited Vs. their workmen (1975) 11 LLJ 336*.

13. In *Uma Devi (2006) 4 SCC 1* the Apex Court considered the proposition as to whether the persons who got employment, without following of a regular procedure or even from the back door or on daily wages can be ordered to be made permanent in their posts, to prevent regular recruitment to the posts concerned. Catena of decisions over the subject were considered and the court declined the submissions of the workman to be made permanent on

the post which was held by them in temporary or adhoc capacity for a fairly long spell. The Court ruled thus:

"With respect, why should the State be allowed to depart from the normal rule and indulge in temporary employment in permanent posts? This Court, in our view, is bound to insist on the State making regular and proper recruitments, and is bound not to encourage or shut its eyes to the persistent transgression of the rules of regular recruitment. The direction to make permanent—the distinction between regularization and making permanent was not emphasized here—can only encourage the State, the model employer, to flout its own rules and would confer undue benefits on a few at the cost of many waiting to compete. With respect the directions made in *Piara Singh (1992) 4 SCC 118* is to some extent inconsistent with the conclusion in para 45 of the said judgement therein. With great respect, it appears to us that the last of the directions clearly runs counter to the constitutional scheme of employment recognized in the earlier part of the decision. Really, it cannot be said that this decision has laid down the law that all ad-hoc, temporary or casual employees engaged without following a regular recruitment procedure should be made permanent."

14. Taking note of some of recent decisions, the Apex Court held that the State does not enjoy a power to make appointments in terms of article 162 of the Constitution. The Court quoted its decision in *Girish Jyanti Lal Vaghela (2006) 2 SCC 482* with approval, wherein it was ruled thus.

"The appointment to any post under the State can only be made after a proper advertisement has been made inviting applications from eligible candidates and holding of a selection by a body of experts or a specially constituted committee whose members are fair and impartial through a written examination or interview or some other rational criteria for judging the inter se merit of candidates who have applied in response to the advertisement made. A regular appointment to the post under the State or Union cannot be made without issuing advertisement in the prescribed manner which may in some cases include inviting applications from the employment exchange, where eligible candidate get their names registered. Any regular appointment made on a post under the State or Union without issuing advertisement inviting applications from eligible candidates and without holding a proper selection where all eligible candidates get a fair chance to compete would violate the guarantee enshrined under article 16 of the Constitution".

15. In *P. Chandra Shekhara Rao and Others (2006) 7 SCC 488* the Apex Court referred *Uma Devi's* case (supra) with approval. It also relied the decision in *Uma Rani (2004) 7 SCC 112* and ruled that no regularization is

permissible in exercise of statutory powers conferred in Article 162 of the Constitution, if the appointments have been made in contravention of the statutory rules. In *Somveer Singh* (2006 5 SCC 493) the Apex Court ruled that appointment made without following due procedure cannot be regularized.

16. Here in the case workman was appointed as muster roll employee in 1980, 1981 and 1982 for specific periods. In 1983 again he was appointed as casual employee on muster roll. His appointment was not in consonance with the prescribed procedure, followed by the management in recruitment of regular posts. In such a situation he is not entitled for regularization on the post from 1983 till 1-3-93, when he worked as muster roll beldar with the management. When a vacancy was available his services were regularised on 1-3-93. Action of the management in not according benefits of regular service till 1-3-93 is fair, just and legal. The workman is not entitled to any relief on that count.

17. Shri Ram Kripal failed to dispute the facts that Mohd. Abbas was in continuous service of the management, since his engagement in 1983 till the date of his regularisation on 1-3-93. Circular. No. 19/77/2000-E.C.X. New Delhi, dated 26-6-06 is not a matter of dispute. On the strength of the said circular a muster roll employee is eligible to get his services counted, for the purpose of gratuity under the Payment of Gratuity Act 1972 (in short the Act). Therefore management is under an obligation to verify the services rendered by Mohd. Abbas, as a muster roll employee and to record it in his service book so that his emoluments for the purpose of gratuity under the Act may be calculated at the time of his retirement, or death, if it occurs prior to his superannuation. Consequently, the management is to be commanded to verify his services as muster roll employee and enter the same in his service book for the purpose of calculation of his gratuity, as detailed above. An award is accordingly passed.

Date : 18-9-2009

Dr. R. K. YADAV, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2009

का. आ. 2988.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/15/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-2009 को प्राप्त हुआ था।

[सं. एल-12012/213/92-आईआर(बी-II)]

राजेन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 5th October, 2009

S. O. 2988.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/

LC/R/15/93) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure, in the Industrial Dispute between the employees in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 1-10-2009.

[No. L-12012/213/92-IR(B-II)]

RAJINDER KUMAR, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

NO. CGIT/LC/R/15/93

Presiding Officer : Shri Mohd. Shakir Hasan

Shri Ganesh Ram,
S/o Chunni Lal Kewat,
C/o D. P. Tiwari, Deputy Chief Secy.,
State Bank of India Staff Congress,
5/235 Pragati, State Bank Staff Colony,
Behind Krashi Upaj Mandi, Vikas Nagar,
Jabalpur

... Workman/Union

Versus

State Bank of India,
Through its Deputy General Manager,
Local Head Office,
Hoshangabad Road,
Bhopal (MP)

... Management.

AWARD

Passed on this 25th day of September, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L-12012/213/92-IR(B-II) dated 22-1-1993 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of State Bank of India in terminating the services of Shri Ganesh Ram with effect from 17th March, 1992 is justified? If not, to what relief the workman is entitled to and from what date?”

2. The case of the workman in short is that the State Bank of India is constituted under the State Bank of India Act, 1955 and is an authority within the meaning of Article 12 of the constitution of India. It is stated that the workman Ganesh Ram was appointed by the Branch Manager of the Bank of Narsinghpur (MP) as a sub-staff with effect from 7-10-91 at the rate of Rs. 20 per day except Sunday and holidays against the vacant post while he was working, he came to know that he was entitled to receive wages at the rate at which other sub-staff were getting regular payment. The workman is said to have requested the management to

grant him these benefits but in vain. It is stated that instead of granting any facilities, he was stopped from attending his duties w.e.f. 17-3-1992 without giving any prior notice and one Dilip Kumar was employed. It is stated that he was retrenched without compliance of the provision of Sec-25-F of the Industrial Dispute Act, 1947 which is *ab-initio void*. It is also stated that there is violation of the provision of Sec-25-G of I.D. Act. No show cause, no charge-sheet and nor any departmental proceeding was conducted before dismissing him from the service. It is prayed that award be passed for reinstatement of the workman with full back wages.

3. The non-applicant/Bank also appeared and filed Written Statement. The case of the non-applicant, *inter-alia*, is that the workman was engaged on daily wages @ Rs. 20 per day as a waterman except certain periods to do work of messenger at Narsingh Branch of the Bank from 30-9-91 to 16-3-1992 for a total period of 120 days. Thereafter he was not engaged after 17-3-92. The workman filed an application before the Assistant Labour Commissioner (Central), Jabalpur but conciliation failed and the ALC(C), Jabalpur submitted failure report to the Central Government. He had not completed 240 days in a calendar year as such the provision of Industrial Dispute Act, 1947 is not attracted in his case. It is denied that he was appointed as a sub-staff. It is also denied that he was entitled for regular salary and other benefits. It is submitted that he is not entitled for re-instatement and the reference be, accordingly, answered.

4. The only question for decision as to whether the action of the management was justified in terminating the service of the workman w.e.f. 17-3-1992.

5. Both the parties have adduced oral evidence in the case. The workman Ganesh Ram is examined in the case. He has stated that he was working as a sub-staff w.e.f. 7-10-1991 and was terminated w.e.f. 17-3-1992. This itself shows that he had worked only for a period of 161 days and had not completed 240 days in a calendar year. He has stated in cross-examination that he was engaged for serving water @ Rs. 20 per day. He had not received any appointment letter. He was engaged whenever there was exigency of work in the Bank. He knows that for appointment on permanent posts, there are rules and the Branch Manager cannot appoint. He was removed when there was no work in the Bank. His evidence clearly shows that he was not appointed as a sub-staff rather he was casual employee on daily wages. It is also clear that he had not completed 240 days in a calendar year. It is evident that the provision of I.D. Act, 1947 is not attracted.

6. The management witness Shri S. R. Patel has supported the case of the Bank. He has stated that the workman was engaged on daily wages from 30-9-1991 to 17-3-1992 for a total period of 120 days. He was not engaged after 17-3-1992. His evidence also supports the fact that he had not completed 240 days and was a casual employee on

arising work of exigency. This shows that the workman is not entitled to any relief.

This reference is decided against the workman and in favour of the non-applicant/Bank.

7. In the result, the award is accordingly passed without any order of costs.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2009

का. आ. 2989.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/186/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-2009 को प्राप्त हुआ था।

[सं. एल-12012/288/98-आईआर(बी.-II)]

राजेन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 5th October, 2009

S. O. 2989.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/186/99) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure, in the Industrial Dispute between the employees in relation to the management of Bank of India and their workman, which was received by the Central Government on 1-10-2009.

[No. L-12012/288/98-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

NO. CGIT/LC/R/186/99

Presiding Officer : Shri Mohd. Shakir Hasan

The Assistant General Secretary,
M.P. Bank Employee's Association,
Parvana Bhawan, Aminpura,
Raipur

...Workman/Union

Versus

The Chief Manager,
Bank of India, Regional Office,
Rukmini Bhawan, Behind Jai Ram Complex,
Raipur

...Management

AWARD

Passed on this 24th day of September, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L- 12012/288/98/IR (B-II) dated 29-4-99

has referred the following dispute for adjudication by this Tribunal :

“Whether the demand of MP Bank Employees’ Association, Raipur for regularization of service of S/Shri J.L. Yadav, Bhushanlal Sahu & Purshottam Lal, all staff of Bank of India, Raipur Branch by the management of the branch is justified? If so, to what relief the workmen are entitled?”

2. The case of the workmen in short is that the workmen namely Shri Janak Lal Yadav since July, 1989. Shri Bhushan Lal Sahu since Oct, 1992 and Shri Purshottam Lal Sonkar since May, 1993 were working as Sweeper/Sepoy in Raipur branch of Bank of India against clear vacancies of permanent nature. It is alleged that Bank was contemplating to terminate their services by making fresh recruitments on these posts and instruction was issued by the management to hold interview. It is alleged that management is violating the Industrial Disputes Act, 1947 as well as various awards and settlements between the management and the Union. It is stated that after great persuasion, the management absorbed Shri Janak Lal Yadav as permanent employee. The workmen submitted to direct the management to absorb the rest two workmen with all consequential benefits.

3. The management/non-applicant also filed written statement in the case. The case, inter alia, is that the reference is vague. The said dispute is raised by M.P. Bank Employees’ Association and these workmen cannot be members of the said Union as such the association has no locus-standi. It is stated that there is no relationship of employer and employees between the non-applicant and the applicants. They are also not workmen under the definition of I.D. Act. It is stated that there is selection procedure for appointment of any employee in the Bank. The applicants were never appointed by the Bank. It is denied that the applicants had worked as sweeper/sepoy in Raipur Branch. Shri Bhushan Lal and Purshottam Lal are not the employees of the bank and they are not entitled for employment with the bank and the provision of I.D. Act is not attracted. It is submitted that the applicants are not entitled for any relief.

4. The management filed an application dated 17-9-09 praying therein to pass no dispute award. It is stated that the dispute in respect of the employees mentioned above stands settled out of the court. Shri Vinay Verma, Senior Manager (Law) sent a letter to the management’s counsel for withdrawal of the case which is Annexure-“C”. Photocopy of Dy. Zonal Manager, Raipur Zone is also forwarded to the counsel for the management which is reproduced below :—

“Please find enclosed a letter received from General Secretary, Chhattisgarh Bank Employees’ Association for withdrawal of the said case in duplicate. Please arrange to ensure that the case is withdrawn expeditiously and please confirm for

having done so at the earliest.”

5. The photocopy of the General Secretary is also forwarded to the counsel for the management which is also filed to show that the Union also wants to withdraw the case. The photocopy of the letter is reproduced below :—

- “1. We have filed an industrial dispute demanding permanent absorption of Mr. Purshottam Lal Sonkar and Mr. Bhushan Lal Sahu in Bank’s service.
2. The said dispute has been referred to Central Government Industrial Tribunal, Jabalpur for adjudication vide case No. CGIT/LC/R186/99 (J.L. Yadav & 2 others versus Chief Manager, Bank of India, Raipur).
3. Now, that the management has agreed to our request for permanent absorption, we hereby agree to withdraw the case from CGIT, Jabalpur.”

6. It appears that the dispute has been settled outside the court and they are not interested to contest the reference in the Tribunal.

7. Accordingly, no dispute award is passed without costs.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2009

का. आ. 2990.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अरनाकुलम, कोचीन के पंचाट (संदर्भ संख्या 3/2008) को प्रकाशित करती हैं, जो केन्द्रीय सरकार को 5-10-2009 को प्राप्त हुआ था।

[सं. एल-40011/48/2007-आईआर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 5th October, 2009

S. O. 2990.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 3/2008) of the Central Government Industrial Tribunal-cum-Labour Court Ernakulam, Cochin as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 5-10-2009.

[No. L-40011/48/2007-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ERNAKULAM**

Presend : Shri P. L. Norbert, B.A., LL.B., Presiding Officer
(Friday the 18th day of September, 2009/27th Bhadrapada, 1931)

L.D. 3/2008

- Workman :** Smt. Sreedevi Amma R.,
W/o. Shri Raveendran,
Resmi Bhawan, SVM P.O.,
Kozhikkodemake, Karunagapalli,
Kollam (Kerala).
By Adv. Sri. M. R. Sudheendran.
- Management :** 1. The Chief General Manager,
Telecom, Bharat Sanchar Nigam Ltd.,
Kerala Circle, PMG Junction,
Trivandrum.
2. The Divisional Engineer (TT),
Bharat Sanchar Nigam Ltd.,
Central telegraph Office, Kollam
(Kerala).
By Adv. P. Vijaya Kumar.

This case coming up for hearing on 16-09-2009, this Tribunal-cum-Labour Court on 18-09-2009 passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is :

"Whether the demand of Smt. Sreedevi Amma for regularisation of her services by the management of Bharat Sanchar Nigam Limited, Kerala Circle/Bharat Sanchar Nigam Limited, Central Telegraph Office, Kollam is legal and justified? If yes, to what relief the workman is entitled to?"

2. The facts of the case in brief are as follows:- The worker Smt. Sreedevi Amma has been working as part time sweeper in the telecom department at Karunagapally Centre since 1996. She made a representation for regularisation in service. But it was not considered by the management. The worker approached Central Administrative Tribunal claiming temporary status. But she did not succeed. That order of CAT was challenged before the Hon'ble High Court of Kerala in O.P. It was disposed of by the Hon'ble High Court with a direction to the telecom department to dispose of the representation of the workman. But the representation of the worker was considered and the claim was rejected by the management. Aggrieved by the said decision of the department the worker raised an industrial dispute which is referred to this court by the appropriate Government. The worker is claiming regularisation in service.

3. According to the worker she had been working continuously since 1996. But she is given wages per day at

a fixed rate. The denial of benefits under various labour welfare legislation is an unfair labour practice.

4. According to the management the worker was engaged as contract labour and not as a casual employee of the department. The contract was extended from time to time. The recruitment of part-time casual labourers in P&T department was banned w.e.f. 14-08-1984. Later recruitment of full time casual labourers was banned w.e.f. 22-06-1988. There is not employer-employee relationship between the worker and the management. In the light of the direction of Hon'ble High Court of Kerala in O.P. the management had considered the representation of the worker and rejected her claim. She is not entitled for regularisation.

5. In the light of the above contentions the following points arise for consideration :

1. Is the worker a contract labour or a casual employee?
2. Is she entitled for regularisation?

The evidence consists of the oral testimony of WMI and documentary evidence of Exts. W1 series (27 in number).

6. **Points 1 & 2 :-** It is not disputed that Smt. Sreedevi Amma has been working as part time sweeper since 29-03-1996. However the management disputes that she is an employee either casual or temporary of the management, but only a contract labour. According to the management she was engaged on the basis of a quotation submitted by her and renewed subsequently. There is no employer-employee relationship between the parties. Hence she has no right to demand regularisation or any other benefit due to an employee of the management. On the contrary according to the worker she was taken as a casual part-time sweeper and not as a contract labour. It is for the worker to prove that she was not a contract labour but a casual part time employee of the management in view of the fact that she had submitted quotations for the job which is admitted by the during cross examination (as WW1). The quotation is dated 30-11-1998. It is written in English and it is stated that she had submitted the quotation for doing cleaning and sweeping work of Telocom Centre, Karunagapally at a specified rate in pursuance to a notice calling for quotations. The period of contract is also mentioned. Thereafter by letter dated 03-04-2000 she claimed that the wage rate was reduced in December 1998 from 36 to 25. But similar workers were given Rs. 36 per day and so she claims that she should be given wages at the previous rate of Rs. 36 per day. The letter is written in Malayalam. In the opening sentence it is stated that she has been working on contract basis as Sweeper since 29-04-1996. She has a case in the box that she was compelled to describe her as contract worker by the management. Other than her testimony there is no other evidence to support the contention. The quotation and the letter signed by her only support the case of the management. The letter dated 03-04-2000 is written admittedly in the handwriting of the worker. She has not received any other service

benefits other than the daily fixed wage mentioned in the quotation. Ext. W1 series vouchers only show that the worker was given wages for the days she had worked at certain rates.

7. The management says that at the time the worker was engaged as contract worker there was ban for recruitment of part time casual employees for full time casual employees. That is the reason why the worker was engaged as contract labour. The instruction of the Telecom Department dated 22-06-1988 and 12-02-1999 support this contention of the management. The worker, claiming temporary status had approached C.A.T. in OA 854/1999. That Court passed an order on 05-08-1999 observing that the scheme of the department conferring temporary status to casual employees and regularisation of their service, does not extend to part time casual labourers and hence the worker has no right for temporary status. The order was challenged in OP 24895/1999 and 6765/2000 before the Hon'ble High Court of Kerala. By judgment dated 26-02-2003 the management was directed to consider the representation of the worker and pass a speaking order. Thereafter department by its order dated 25-06-2003 rejected the claim of the worker either for temporary status or for regularisation in service. As per the scheme clarification to point No. 8 regarding temporary status of a part time employee says that the scheme is applicable only to full time casual labourers and not to part time casual labourers. However part time casual labourers can be brought on the strength of full time casual labourers subject to availability of work and suitability. As per Clause 4 of the scheme vacancies in Group-D cadres were decided to be filled by regularisation of casual labourers. Admittedly the worker was not a full time casual labourer in order to claim regularisation. That apart as per her own quotation and letter referred supra she is only a contract labour and not a casual employee either part time or full time. Hence she cannot claim regularisation in service as per the scheme or under any other provisions of law.

8. But it is submitted by the learned counsel for the worker that she may not be replaced by another casual employee. The worker is still in service. S. 25- H of I.D. Act provides protection to a retrenched employee for preference in employment in case the management wants to fill the post of a retrenched employee. However the worker is only a contract worker and she cannot claim even the benefit under S. 25-H of I.D. Act. Thus none of the claims of the worker are sustainable. Though the learned counsel for the worker referred to two decisions regarding the powers of Labour Court to mould and grant reliefs they have no application to the case on hand. The cases referred are Maharashtra State Road Transport Corporation & Another v. Casteribe Rajya P. Karmchari Sanghatana, CDJ 2009 SC 1709 and Emmanuel K.V. v. TELK, 1999 (1) K.L.J. 478. These two decisions referred by the learned counsel is for regularisation of casual labourers and they are not applicable to the case of the worker as she is only a contract labour.

In the light of the reasons stated above I find that the worker, being a contract labour, is not entitled for regularisation in service or any other relief.

In the result an award is passed finding that the demand of worker for regularisation in service is not legal or justified and she is not entitled for any relief.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 18th day of September, 2009.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the Workman.

WW1-06-08-2009

Smt. Sreedevi Amma R.

Witness for the Management - Nil

Exhibits for the Workman.

W1 series

Vouchers evidencing payment made to the workman

W1	-	dated	01-06-1996
W1(a)	-	-do-	20-07-1996
W1(b)	-	-do-	31-07-1996
W1(c)	-	-do-	25-01-1996
W1(d)	-	-do-	12-04-1997
W1(e)	-	-do-	05-06-1997
W1(f)	-	-do-	09-08-1997
W1(g)	-	-do-	02-08-1997
W1(h)	-	-do-	16-08-1997
W1(i)	-	-do-	23-08-1997
W1(j)	-	-do-	20-09-1997
W1(k)	-	-do-	04-10-1997
W1(l)	-	-do-	18-10-1997
W1(m)	-	-do-	25-10-1997
W1(n)	-	-do-	01-11-1997
W1(o)	-	-do-	08-11-1997
W1(p)	-	-do-	13-11-1997
W1(q)	-	-do-	22-11-1997
W1(r)	-	-do-	13-12-1997
W1(s)	-	-do-	20-12-1997
W1(t)	-	-do-	31-12-1997
W1(u)	-	-do-	13-11-1998
W1(v)	-	-do-	14-11-1998
W1(w)	-	-do-	07-12-1998
W1(x)	-	-do-	19-06-1999
W1(y)	-	-do-	20-03-1999
W1(z)	-	-do-	28-06-1999

Exhibit for the Management.

Nil

नई दिल्ली, 5 अक्टूबर, 2009

का. आ. 2991.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टाटा आयरन एण्ड स्टील कं. लि., के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/न्यायालय सं. 1, धनबाद के पंचाट (संदर्भ सं. 99/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-2009 को प्राप्त हुआ था।

[सं. एल-20012/81/2006-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 5th October, 2009

S. O. 2991.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 99/2009) of the Central Government Industrial Tribunal/Labour Court, No. 1 Dhanbad as shown in the Annexure, in the Industrial Dispute between the management of M/s. TISCO Limited, and their workmen, received by the Central Government on 5-10-2009.

[No. L-20012/81/2006-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 1, DHANBAD**

In the matter of a reference U/S. 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 99 of 2006

Employers in relation to the management of M/s. TISCO Limited.

AND

Their Workmen

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the Employers : Shri D. K. Verma, Advocate
For the Workman : Shri R. R. Ram, Advocate.

State : Jharkhand Industry : Coal.

Dated, the 18th September, 2009

AWARD

By Order No. L-20012/81/2006-IR (Coal-I) dated 10-11-2006 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the dispute for adjudication to this Tribunal :

"Whether the action of the management of Sijua Colliery of M/s. TISCO in dismissing Sh. Dilip Kumar Singh, Trammor from the services of the company w.e.f. 26-4-2000 is fair and justified? If not, to what relief is the concerned workman entitled?"

2. The written statement has been filed on behalf of the workman stating that Sri Dilip Kumar Singh was a permanent workman in Sijua Colliery of M/s. Tata Steel Ltd., and he attended his duty regularly punctually and never neglected his duty. The said workman was served with a charge-sheet dated 8-10-99 for absents from his duty since 15-7-99 to 26-9-99. The concerned workman replied to the charge-sheet which was found satisfactorily. The concerned workman was suffering from a fatal disease as 'Jaundice' which was accepted by the concerned workman in the enquiry proceeding. He left for his Native Village on 14-7-99 for his better treatment where he was under both medicare of Village Paidhya and nearby general physician. He informed the management regarding his disease which was not taken seriously by the authority concerned. After recovery from his disease after 60 days he approached the management with medical certificate to resume his duty. But the management did not allow him to resume his duty. The management dismissed him from service w.e.f. 26-4-2000 without assigning any reason. Thereafter the dispute has been referred to this Tribunal for adjudication. It has been stated that the action of the management in dismissing the concerned workman from service is not fair and justified. He was dismissed illegally and wrongly. The enquiry proceeding and report is not fair and proper. The concerned workman was absent from his duty only 60 days due to suffering from 'jaundice'. The workman concerned is entitled for reinstatement in his service with full back wages.

It has been prayed that the Hon'ble Tribunal be pleased to pass an award in favour of the workman by directing the management to reinstate him in service with full back wages.

3. The management has filed written statement stating that the concerned workman was employed on 29-9-1991 at Employment Cell, Sijua Group and thereafter placed as Minor at Sijua Colliery w.e.f. 4-3-1992. He was dismissed w.e.f. 26-4-2000 for proved act of misconduct. At the time of his dismissal from service he was working as P. R. Trammer at Sijua Colliery. The concerned workman absented from his duty w.e.f. 15-7-99 to 26-9-99 without permission and without satisfactory cause.

The above act of the workman concerned is a misconduct within the meaning of clause 19(16) of Campenies' Certified Standing Orders. The management initiated a disciplinary proceeding against the concerned workman for above misconduct and issued a charge-sheet No. 377 dated 8-10-99/16-11-99. The concerned workman

did not submit any explanation to the charge-sheet issued to him. It was therefore decided to conduct a domestic enquiry into the charges levelled against him. The management appointed Enquiry Officer to conduct domestic enquiry in accordance with the principles of natural justice. The Enquiry Officer conducted domestic enquiry in presence of the concerned workman and gave him full opportunity to defend himself. The Enquiry Officer submitted his report holding therein the workman concerned as guilty of the charges levelled against him. Thereafter the management issued a second show-cause notice to the workman concerned and supplied the copy of the enquiry report for submission of his representation. The concerned workman has not submitted any representation even after receiving the enquiry report from the management. The disciplinary authority while awarding punishment, considered past service record of the concerned workman and it was found out that the workman concerned was awarded following punishment in the past.

Nature of punishment	Effective Date	Nature of misconduct
5 days suspension	24-8-1994	Absence for more than 10 days
5 days suspension	12-11-1996	Absence for more than 10 days
10 days suspension	1-11-1999	Absence for more than 10 days

The management has given him sufficient opportunity to mend himself, even then he has committed same misconduct. As such, finding no alternative the management dismissed him from service of the company. The dismissal of the concerned workman is legal and justified. The enquiry conducted by the Enquiry Officer is fair, proper and in accordance with the principle of natural justice.

It has been preyed that an award be passed in favour of the management by holding that the dismissal of the concerned workman is legal and justified and the concerned workman is not entitled to any relief.

In rejoinder to the written statement of the workman the management has stated almost same facts as has been stated in the written statement. It has also been stated that the workman concerned absented from his duties several times without information and sufficient cause. The management gave number of opportunities to the workman concerned to mend himself but all the opportunities become futile.

4. The workman has filed rejoinder stating the same facts as has been stated in its written statement.

5. On 4-3-2009 the enquiry proceeding and report has been held to be fair and proper on the proper of the workmen.

6. The main argument advanced on behalf of the concerned workmen that he was suffering from a fatal disease 'Jaundice'. After recovery from his illness he had reported for duty to the management with medical certificate but the management did not allow him to resume duty and initiated proceeding regarding absence from duty w.e.f. 15-7-99 to 26-9-99.

In this respect the management argued that the concerned workman was habitual absentee.

He was absent from duty in the year 1994 for 5 days, in the year 1996 for 5 days. But the management has not filed any paper regarding absence in the years 1994 and 1996. In the present case he was absented from duty w.e.f. 15-7-99 to 26-8-99. As per enquiry report and preceeding which shows that the concerned workman has stated that he was suffering from Jaundice, so he was unable to resume duty, he may excused. The management's representative has given evidence before the enquiry regarding absence from 15-7-99 to 26-7-99 and he stated that the concerned workman came to resume his duty on 22-9-99 and was allowed from 29-9-99. It only shows that when the concerned workman came to join duty on 22-9-99 there is no justification to allow him to join duty on 27-9-99. It shows adamant attitude of the management. When the concerned workman was suffering from Jaundice which is very serious nature of illness and as per Doctor's certificate, Ext.ME-4, he was suffering from Hepatitis. It shows that absence of the concerned workman due to Jaundice is just cause and after recovery he reported for duty on 22-9-99 but the management has not allowed him to join, though he has given application before the management for joining duty on 22-9-99. It only shows that the management intentionally had not allowed him to join on 22-9-99 and treated him about upto 26-9-99.

7. The management has referred (2008) 1 Supreme Court Cases (L&S) 164 in which Hon'ble Supreme Court laid down that where the workman, who had been in the past found guilty of unauthorised absenteeism several times (15 times in this case), was in a properly conducted departmental enquiry once again found guilty of unauthorised absence for a long period (105 days) held, his consequential dismissal from service ought not to have been treated to be harsh and interfered with by Labour Court.

In the present case the management has not proved first any absence of the concerned workman but he was absent from duty w.e.f. 15-7-99 i.e. for about two months 11 days as he was suffering from Jaundice/Hepatitis.

The management has also referred 2006 Lab. I.C. 2262 in which Hon'ble Supreme Court laid down Bus conductor remained not only for period of more than 3 years, but also remained unauthorisedly absent on several occasions misconduct committed cannot be treated as minor. For

running buses, service of conductor is imperative and no employer running a fleet of buses can allow an employee to remain absent for a long time—Punishment of dismissal—Not disproportionate cannot be substituted with reinstatement. So, the disease from which the concerned workman was suffering shows that his absence was not intentional absence. In such circumstances the dismissal of the concerned workman from service is too harsh to the alleged offence.

In view of the discussions made above, I come to the conclusion that the dismissal of the concerned workman from service is not justified and the concerned workman is entitled to be reinstated in service with 25% wages.

Accordingly, I render the following award. The action of the management of Sijua Colliery of M/s. TISCO in dismissing Sh. Dilip Kumar Singh, Trammer from the service of the company w.e.f. 26-4-2000 is not justified. Hence, he is entitled to be reinstated in service with continuity of service with 25% back wages. The management is directed to reinstate him in service within 30 days from the date of publication of the Award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2009

का. आ. 2992.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1, धनबाद के पंचाट (संदर्भ संख्या 67/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-2009 को प्राप्त हुआ था।

[सं. एल-20012/315/1999-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 5th October, 2009

S. O. 2992.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.67/2000) of the Central Government Industrial Tribunal/Labour Court, No. 1, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 5-10-2009.

[No. L-20012/315/1999-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD

In the matter of a reference under section 10(1)(d)& (2A)
of Industrial Disputes Act, 1947

Reference No. 67 of 2000

Parties : Employers in relation to the management of
Block-II Area of M/s. BCCL

AND

Their Workman

Present: Shri H. M. Singh, Presiding Officer

APPEARANCES

For the employers : Shri D. K. Verma, Advocate

For the Workman : None

State Jharkhand : Industry : Coal

Dated 22nd September, 2009

AWARD

By order No.L-20012/315/99/IR(C-I), dated 28-1-2000, the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Block-II Area of M/s. BCCL in not regularising Sri Lakhman Nonia as a office peon is legal and justified? If not, to what relief the concerned workman is entitled?”

This reference case was received in this Tribunal on 9-2-2000. Thereafter, notices were sent to the parties to file written statement by the concerning union/workman. In spite of notices sent by Registered post no written statement has been filed by the workman till 24-8-09. It therefore, appears that neither the concerned workman nor the sponsoring union is interested to contest this case.

In such, circumstances, I render No Dispute Award in this reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2009

का. आ. 2993.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय संख्या-1, धनबाद के पंचाट (संदर्भ संख्या 38/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10/2009 को प्राप्त हुआ था।

[सं. एल-20012/244/99-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 5th October, 2009

S. O. 2993.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 38/2000) of the Central Government Industrial Tribunal/Labour Court No. I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 5-10-2009.

[No. L-20012/244/99-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(I)(d) & (2A) of Industrial Disputes Act, 1947

Reference No. 38 of 2000

Parties : Employers in relation to the management of Barora Area of M/s. BCCL

And

Their Workmen

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the Employers : None.

For the Workmen : None

State : Jharkhand

Industry : Coal

Dated, the 14th September, 2009

AWARD

By Order No. L-20012/224/99-IR (C-I) dated 20-1-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of BCCL, in superannuating Shri Lal Mohan Mahato w.e.f. 5-12-95 on the basis of D.O.B. recorded in form 'B' register is justified, whereas the D.O.B. recorded in other service records is different ? If not, to what relief the workman is entitled?”

This reference case was received in this Tribunal on 27-1-2000. Thereafter, notices were sent to the parties to file Written Statement by the sponsoring union/workman. In spite of notices sent by speed post no written statement has been filed by the workman till 12-8-2009. It, therefore, appears that neither the concerned workman nor the sponsoring union is interested to contest the case.

In such, circumstances, I render No Dispute Award in this reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2009

का. आ. 2994.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय संख्या -I, धनबाद के पंचाट (संदर्भ संख्या 68/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-2009 को प्राप्त हुआ था।

[सं. एल-20012/317/99-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 5th October, 2009

S. O. 2994.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 68/2000) of the Central Government Industrial Tribunal/Labour Court No. I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 5-10-2009.

[No. L-20012/317/99-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. I), DHANBAD

In the matter of a reference under section 10(I)(d) (2A) of Industrial Disputes Act, 1947

Reference No. 68/ 2000

Parties : Employers in relation to the management of West Jharria Area of M/s. BCCL

And

Their Workmen

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the Employers : Sri D.K. Verma, Advocate

For the Workman : None

State : Jharkhand

Industry : Coal

Dated, 16th September, 2009

AWARD

By Order No. L-20012/317/99-IR (C-I) dated, 28-1-2000 the Central Government in the Ministry of Labour has in exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act 1947 referred the following dispute for adjudication to this Tribunal :-

“Whether the action of the management to superannuate Shri Chhota Joyati Napit considering his age as 54 years as on 16-12-87 is legal and justified, whereas his D.O.B. in all other service records is 12-2-46. If not, to what relief the concerned workman is entitled to ?”

This reference case was received in this Tribunal on 9-2-2000. Thereafter, notices were sent to the parties to file written statement by the concerning union/workman. In spite of notices sent by Registered post no written statement has been filed by the workman till 24-8-2009. It therefore, appears that neither the concerned workman nor the sponsoring union is interested to contest the case.

In such circumstances, I render No Dispute Award in this reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2009

का. आ. 2995.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, सं. 1, धनबाद के पंचाट (संदर्भ संख्या 107/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-2009 को प्राप्त हुआ था।

[सं. एल-20012/542/2000-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 5th October, 2009

S. O. 2995.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.107/2001) of the Central Government Industrial Tribunal/Labour Court, No. 1, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 5-10-2009.

[No. L-20012/542/2000-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT DHANBAD

PRESENT : Shri H.M.Singh, Presiding Officer

In the matter of an Industrial Disputes under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 107 of 2001

Parties : Employers in relation to the management of Jeenagora Colliery of M/s. BCCL and their workman.

APPEARANCES

On behalf of the Workman : Mr. B.B.Pandey, Advocate

On behalf of the employers : Mr. D. K. Verma, Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad the 23rd, September, 2009

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/542/2000 IR(C-I) dated, the 30th April, 2001.

SCHEDULE

KYA BHARAT COKING COAL LIMITED
JEENAGORA COLLIERY KEY
PRAVANDHTANTRA DWARA SHRI GAJENDRA
MAHARAJ KO UNKEY SEVA AVILEKH MEIN
DEE GAI JANM TARIKH 30-6-42 KO NAA
MANTEY HUYA 31-1-99 SEY SEVA NIVRIT
KIYYA JANA NIYAMANUSAR UCHIT EVAM
NAYA SANGAT HAIN ? YADI NAHI TO
KARAMKAR KIS RAHAT KEY PATRA HAIN ?

2. In the written statement filed on behalf of the workman it has been stating that the concerned workman had been working as Clerk at Jeenagora Colliery of M/s. BCCL to the entire satisfaction of the management. The date of birth of the concerned workman was entered as 30-6-1942 in all the relevant records of the management. As per provisions of law the concerned workman had to retire from service from 1-7-2002 i.e. after completing 60 years on 30-6-2002. After availing of leave under LLTC when he returned on 30-1-99 he came to know that a letter for his retirement from service from 31-1-99 has been issued. On enquiry he was told that he has been retired on the basis of the date of birth mentioned in his Matriculation Certificate. It has been stated on behalf of the concerned workman that while joining his duty in the year. 1971 the date of birth of the concerned workman was mentioned as 30-6-1942. In other records as well, the same date of birth was entered and maintained.

In the year 1987 the concerned workman was served with service excerpts and in the column of his date of birth was entered as 30-6-1942. In the said service Excerpts the words pass Bihar Ex. Board was entered in the column of Educational qualification but the same was rounded off with a question mark. As the said management maintained the date of birth of the concerned workman as 30-6-1942 on the basis of date of birth maintained in Form B register, the concerned workman did not raise any objection and as such the said date of birth i.e. 30-6-1942 remained valid and proper and undisputed for all the purposes. If there had been any confusion in the mind of the management the same should have been communicated to the concerned workman and the said management should not have taken any arbitrary decision. If the said management had to take the date of birth of Matriculation Certificate for his retirement he should have retired one year earlier. But the said Management by its own action discarded the said date of birth and relied on the date of birth entered in Form B Register and that of service excerpts. It has been alleged on behalf of the workman that there are several such instances where the date of birth of Matriculation Certificate of various employees have not been taken into consideration and have been confirmed. It has been stated on behalf of the concerned workman that the action of the management in retiring the concerned workman from 31-1-1999 is unjustified and he is entitled to be reinstated in service till 30-6-2002 i.e. till the age of 60 years. Accordingly it has been prayed on behalf of the concerned workman to pass an Award holding the action of the management in retiring the concerned workman from 31-1-1999 as unjustified with direction to the management to reinstate the concerned workman in service till the age of 60 years i.e. upto 30-6-2002 on the basis of his date of birth as 30-6-1942 with all consequential benefits.

3. In the written statement filed on behalf of the management it has been stated that the present reference is not maintainable either in law or in facts. As the time of appointment, the workman concerned was Matriculate and according to the Certificate granted by the Bihar School Education Board, his date of birth is 30-1-1939. The concerned workman passed his Matriculation examination in the year 1960 and at the time of appointment in the year 1971 concerned workman suppressed his educational qualification and declared his date of birth as 30-6-1942 and accordingly his date of birth was recorded in Form B Register as 30-6-1942. In the year 1987 the concerned workman was issued a service excerpt by the management. The concerned workman after filling up the blank columns, returned the service excerpt to the management. In column 7 of the said service, he mentioned his educational qualification as passed the Bihar School Examination Board. He in the year 1990 produced the Matriculation Certificate and submitted the photo copy of the same at personnel section of the Area Management for promotion from clerical

grade-I to special grade and the Area Management after considering his educational qualification promoted him from clerical grade-I to special grade clerk. But the concerned workman did not produce the same nor informed the Unit Management regarding his date of birth as per Matriculation Certificate.

In the year 1998 it has revealed at the Unit that the date of birth of the concerned workman is different from the date of birth recorded in Form-B Register. The concerned workman had not submitted the Matriculation Certificate at the Colliery knowingly with a view to cheat the management. But when the matter came to the knowledge of the Colliery his date of birth was corrected and the concerned workman was superannuated w.e.f. 31-1-99 considering his date of birth as 30-1-39 as per Matriculation Certificate since he has availed the promotion in Special Grade Clerk on the basis of the said Matriculation Certificate. Although giving false information regarding the name, age and other particulars at the time of getting employment is a misconduct and the concerned workman is liable for disciplinary action but as it came to the knowledge of the management at the fag end of the service of the concerned workman the management has taken lenient view and allowed the concerned workman to superannuate according to his actual date of birth. Accordingly prayer has been made on behalf of the management to pass an Award rejecting the claim of the concerned workman.

4. Both sides have filed their respective rejoinder admitting and denying the contents of some of the paras of each other's written statement.

5. Management in order to substantiate their case have produced Chandrika Singh who has been examined as MW-1. He has produced documents marked as Ext.M-1, M-2 and M-3. Workmanside in order to substantiate their case has produced the concerned workman who has been examined as WW-1. He has produced document marked as Ext.W-1.

6. It has been argued on behalf of the concerned workman that he was appointed on 1-10-71 in Jeenagora Colliery and at the time of appointment certain papers including Form-B Register were filled in and Service Excerpt was issued in 1987 i.e. Ext.W-1. His age has been mentioned in the service excerpt and also Form-B Register as per his qualification. Management demanded Matriculation Certificate in 1990 and management has demanded such Matriculation Certificate for verification but they have not verified and on that basis he has been superannuated treating his date of birth as 30-1-1939.

7. The concerned workman has got service on the basis of his educational qualification. In his educational qualification i.e. Matriculation Certificate his date of birth has been mentioned as 30-1-39. He has passed Matriculation

in 1960 and he joined the service on 1-10-71. It shows that when he has joined service he has already passed Matriculation and on that basis he has got employment. The concerned workman WW-1 stated in cross-examination at page-2 "I have passed matriculation in 1960. 30-1-1939 has been mentioned in my matriculation certificate as my date of birth. I have submitted an application for my promotion as Clerk Special Grade in which I have mentioned that I am matriculate. I have given an attested copy of matriculation certificate along with my application. I have no document to show that I have submitted original matriculation Certificate before the management for verification. The matriculation certificate is a genuine certificate. My actual age is not mentioned in the matriculation certificate. I have got no other document regarding proof of my age except matriculation certificate." This statement of the concerned workman shows that on the basis of matriculation certificate he has got promotion as Clerk Special Grade as per Ext. M-1 and as per Ext. M-2 he has given application on 9-2-91 for getting promotion in Clerk Special Grade. When in one hand he got used Matriculation Certificate for promotion and on other hand he states that the age mentioned in the Matriculation Certificate is not correct. This shows his malafide intention and act for getting age corrected. As per 1-1-76 a person who is literate and Matriculate his age cannot be changed under any circumstances. His age mentioned in the Matriculation Certificate will be final. In this respect in a decision reported in 2007(3)JLJR page 68 Hon'ble Court laid down the following:—

"Labour and Industrial Law-Date of birth-determination-under the instruction issued by the company the date of birth recorded in the Matriculation Certificate is to be treated as final-in the present case determination of age was made on the basis of the alleged declaration of the employees in the Statutory B Form and the Matriculation Certificate was ignored-the respondents are bound by the instruction issued to treat the date of birth on the basis of the Matriculation Certificate order of the superannuation on the basis of Statutory B Form is quashed and direction issued to correct the age in terms of the Matriculation Certificate and to pass consequential orders.

1986 PLJR 1180 : 2005(2) JLJR(SC) 129 AIR 2006 SC 2735 : AIR 2001 SC 1666 : AIR 2001 SC 72 : AIR 1997 SC 2452- referred to.

"76(A) Determination of the age at the time of appointment.

(i) Matriculates.

In case of appointees who have passed Matriculation or equivalent examinations, the date of birth recorded in the paid certificate shall be treated as correct

date of birth and the same will not be altered under any circumstances."

9. As correctly pointed out by the counsel for the Appellant, learned Single Judge failed to consider the Scheme provided for implementation of the instruction No. 76 of the bye-laws of the respondents. Clause 76(B)(i)(a) provides for determination of date of birth in respect of the existing employees, which is reproduced below:—

"76(B) Review/Determination of Date of Birth in respect of existing employees:—

(i)(a) in the case of the existing employees Matriculation Certificate or Higher Secondary Certificate issued by the recognised universities or Board or Middle Pass Certificate issued by the Board of Education and/or Department of Public instruction and Admit Cards issued by the aforesaid bodies should be treated as correct provided they were issued by the said Universities/Board/Institutions prior to the date of employment."

In this case Hon'ble Court also referred the provisions of Implementation Instruction No. 76 and held that the date of birth recorded in the Matriculation Certificate is to be treated as final. This being the position I do not find any irregularities committed by the manager in superannuating the concerned workman from service on the basis of the date of birth recorded in his Matriculation Certificate. Therefore, I hold that the management was justified in superannuating the concerned workman from service on the basis of date of birth recorded in his Matriculation Certificate. Accordingly following Award is rendered:—

"Bharat Coking Coal Limited Jeenagora Colliery Key Pravandhtantra Dwara Shri Gajendra Maharaj Ko Unkey Seva Avilekh Mein Dee Gai Janma Tarikh 30-6-42 Ko Na Mantey Huye 31-1-99 Sey Seva Nivrit Kiyaa Jana Niyyamanusar Ucbit Evam Nayasangata Hain. Atta Karmkar Kissi Rahat key Patra Nahi Hain."

H. M. SINGH, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2009

का. आ. 2996 .—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 112/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-2009 को प्राप्त हुआ था।

[सं. एल-22012/73/1997-आई आर(सी-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 6th October, 2009

S. O. 2996.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 112/98) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SECL and their workman, which was received by the Central Government on 6-10-2009.

[No. L-22012/73/1997-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/112/98

Presiding Officer: Shri Mohd. Shakir Hasan

Shri N. L. Pandey,
General Secretary, MPKMS,
1864, Opp. M. P. Hospital,
Wright Town, Jabalpur

.....Workman/Union

Versus

The General Manager,
SECL, Raigarh Area,
Distt. Raigarh

.....Management

AWARD

Passed on this 17th day of September, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/73/97/IR(CM-II) dated 11-6-98 has referred the following dispute for adjudication by this tribunal :—

“Whether demand of MP Koyla Mazdoor Sabha (HMS) South Jhagrakhand Colliery, Distt. Surguja MP is justified in demanding regularization of Shri Maniram, S/o Shri Chamru Lal and 119 other workmen with the management of SECL, Raigarh Area, Distt. Raigarh, MP. If yes, what relief the concerned workmen are entitled to?”

2. The workman/Union did not file statement of claim for about seven years as such the predecessor's court proceeded exparte against the workman on 10-5-05.

3. The non-applicant/management appeared and filed written statement in the case. The case of the management in short is that the order of reference is not maintainable as the appropriate Government has presumed certain facts. The Union claimed regularization for Mani Ram and others with the management of SECL alleging that they worked sometimes with the management of SECL. The management specifically denied that the alleged

workmen were ever employed with the management of SECL. There was no relationship of employer and employees with the management of SECL and the alleged workman. It is stated that there is statutory Rules and Regulation for appointment of the employees in the coal Industry and one has to go through the entire process for the appointment in the Industry.

4. It is further stated that certain earth work were necessary to be done to start new mines and tender was invited vide tender Notice No. 93-94/7296-302 dated 10-6-93 and several contractors submitted tenders. After scrutiny by the committee, the tender of Shri H. L. Pandey, the contractor was approved and the work was awarded to him who executed agreement with the management of SECL which is marked as M/4. The work order was issued which is marked as Exhibit M/5. The work awarded to the contractor was not a prohibited category in nature and was not under prohibited category as in CLRA Act. The work done by the contractor labour was not done through regular employees as the job was of intermittent and casual in nature. The said contractor was a registered contractor and was entitled to engage workers. Registration Certificate is marked as Exhibit M/7. The management of SECL, Raigarh Area is registered Principal Employer. Certificate is marked as Exhibit M/8. The management of SECL had no control over the labours engaged by the contractor. On these ground, it is submitted that the reference be answered in favour of the management.

5. To prove the case the management has examined one witness and has also produced photocopy of the tender papers. Shri R.C. Yadav is Dy. C.P.M in SECL, Raigarh Area. He has stated in his evidence that terms of reference is vague. The alleged workmen were never employed in the coal industry and therefore they cannot become members of the Union. He has further stated that there was no relationship of employer and employees between the management and the alleged workmen. He has stated that Shri H.L. Pandey, Contractor was awarded contract of certain earth work after the process of tender. The work was not of prohibited category in nature and Section 10 of the Contract Labour (R & A) Act, 1970 was not applicable. The contractor engaged labours of his own who had valid licence under the provisions of CLRA Act. He has further stated that the management had no control over the labours engaged by the contractor. His evidence is un-rebutted. There is nothing to disbelieve the evidence of this witness. Thus, it is established and proved that the alleged demand of the alleged workman for regularization with the management of SECL is not justified and they are not entitled to any relief. Accordingly the reference is answered in favour of the management of SECL.

6. In the result, the award is passed exparte against Union/workmen without the order of costs.

7. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2009

का.आ. 2997.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं डब्ल्यू सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 56/06) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-2009 को प्राप्त हुआ था।

[सं. एल-22012/107/1991-आईआर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 6th October, 2009

S. O. 2997.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.56/06) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between employers in relation to the management of WCL and their workmen, which was received by the Central Government on 6-10-2009.

[No. L-22012/107/1991-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/56/2006

Presiding Officer : Shri Mohd. Shakir Hasan

The General Secretary,
Laljhanda Coal Mines Mazdoor Union (CITU),
PO. Damua,
Distt. Chhindwara (MP) Workman/Union

Vs.

The Manager,
Nandan Colliery of Western Coalfields Ltd.,
PO Nandan,
Distt. Chhindwara (MP) Management

AWARD

Passed on this 17th day of September, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/107/1991-IR (C-II) dated 4-9-06 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of WCL, in retiring Shri Jalandhar S/o Shri Hauka from services w.e.f. 1-7-1989 is legal and justified? If not, to what relief the workman is entitled to?”

2. The fact of the union/workman in short is that the workman Shri Jalandhar, S. P. Mazdoor, Vishnupuri Mine No. II of Pench Area was terminated on the ground of habitual absenteeism beyond sanctioned leave.

3. The Union/workman appeared and filed a petition that the dispute has been settled between the parties on the following terms and conditions. It is submitted that the award be passed accordingly. The terms and conditions are reproduced below :—

- (i) Shri Jalandhar S/o Darasram, Ex. S. P. Mazdoor, Vishnupuri Mine No. II of Pench Area will be re-employed afresh as General Mazdoor in Cat. I for underground mine of Pathakhara Area and he will be paid initial basic of Cat-I, (U.G.).
- (ii) Such re-employment will be subject to medical fitness so certified by the company Doctor.
- (iii) Shri Jalandhar S/o. Darasram, Ex. S. P. Mazdoor, Vishnupuri Mine No. II of Pench Area shall remain on probation for a period of one year from the date of joining and he has to put in minimum 190 days of attendance in a year. In case his attendance and general performance is not found satisfactory by the management, his services shall automatically stand terminated without any enquiry or assigning any reason thereof.
- (iv) Shri Jalandhar S/o. Darasram, Ex. S. P. Mazdoor, Vishnupuri Mine No. II of Pench Area shall be entitled only for continuity of service for the limited purpose of gratuity and this will be full and final settlement. Further, the benefit of continuity of service will not be extended in such case where the person has been paid gratuity payment. This shall be full and final settlement and no further claim what so ever shall be made in future.
- (v) The period from the date of termination till reemployment and joining on his duty will be treated as dies-non on the principle of no work, no pay.
- (vi) Form-H settlement individually or through Union, incorporating the above terms and conditions for entering into employment and the same will be sent for registration to the Labour machinery.
- (vii) In case any dispute is pending before the CGIT, the re-employed person should withdraw the same from CGIT by filing a copy of settlement for consent award. If any matter is pending before any other courts, the Union/ex-employee will withdraw the case from the concerned court. Shri Jalandhar S/o. Darasram CGIT case referred by Ministry of Labour to CGIT, Jabalpur but number was not allotted by Hon'ble Court.

(viii) He shall have no right to apply for VRS at later stage."

4. On perusal of record, it appears that there is no illegality in the terms and condition of settlement which appears to be just and proper. Shri Abdul Hakeem, Personnel Manager, Pench Area has also endorsed the settlement.

5. In the result, the award is passed in terms of settlement without the order of costs.

6. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2009

का.आ. 2998.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं ई सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असनसोल के पंचाट (संदर्भ संख्या 25/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-2009 को प्राप्त हुआ था।

[सं. एल-22012/172/2003-आईआर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 6th October, 2009

S. O. 2998.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 25/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the Industrial Dispute between the management of Girmint (R) Colliery, M/s. Eastern Coalfield Limited and their workmen, received by the Central Government on 6-10-2009.

[No. L-22012/172/2003-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

Present : Sri Manoranjan Pattnaik,
Presiding Officer

Reference No. 25 of 2004

Parties : The Industrial Dispute between the
management of Girmint (R) Colliery,

Vrs.

Their Workman

REPRESENTATIVES

For the management : P. K. Das, Advocate

For the Union (Workman) : Sri S. K. Pandey, General
Secretary

Industry : Coal State : West Bengal

Dated the 20th August, 2009

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour *vide* its letter No. L-22012/172/2003-IR (CM-II) dated 7-4-2004 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Girmint(R) Colliery of M/s. ECL in dismissing Sri Akal Bouri, U. G. Loader of Kusha Danga Incline from service w.e.f. 5-4-1999 is legal and justified? If not to what relief he is entitled to?"

2. On receipt of the Order No. L-22012/172/2003-IR (CM-II) dated 7-4-2004 of the above-mentioned reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 25 of 2004 was registered on 19-5-2004 and, accordingly, an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

3. The simple case of the workman is that he worked as a Under Ground Loader under the employment of M/s. Eastern Coalfields Limited. He fell ill and remained absence in duty for the period 14-4-1998 to 13-10-1998. Despite his due information to the management and reporting to duty on recovery, he was not allowed to join and was subsequently charge-sheeted *vide* C. S. No 946 dated 15-10-1998. His Medical Certificate was ignored in the domestic enquiry and, consequently treating his period of absence as an unauthorized he was dismissed from the service. Alleging that he was not given opportunity to defend in the enquiry, the workman through the union urged for reinstatement with back wages and consequential benefit.

4. Management assertion without refuting the workman working status etc. is that the absence of the workman in duty was un authorized and without any prior permission. He did not file any reply to the charge sheet. Opportunity was given to him in the domestic enquiry and his misconduct being proved was dismissed from service.

5. On perusal of the pleading of the parties the evidence and having heard the learned counsel and the

representative of the workman it appears that the allegation of misconduct rests on the question of workman's absence from duty without prior permission. The claim of sickness that prevented the workman to attend duty has not been challenged. In fact Medical Certificate has been furnished in the Enquiry proceeding. The oral evidence of the workman on that score has also not been dislodged in the Cross-examination. The workman admits that he could not send information as no other persons are there in his family. The enquiry report has been withheld by the management for whatever reason which shows that there is no material fact to find that the enquiry at all was directed to find the factum of illness as a reason for the absence of the workman or non-taking of prior permission was the ground of dismissal. In either case the dismissal is disproportionate to the misconduct and is not justified. But as admittedly no information was given by the workman there was justification for a disciplinary proceeding against the workman. There has been no proof of his habitual absence not gainful employment during pending of this case under such circumstances it is felt just and proper that the workman be reinstated with back wages cut to the extent of 20% from salary and is granted all other consequential service benefits. Hence it is ordered.

ORDER

Let an award be and same is passed in terms of above finding. Copy of the award be sent to the Ministry of Labour and Employment, Government of India, New Delhi.

MANORANJAN PATTAIAIK, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2009

का.आ. 2999.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एस ई सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 125/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-2009 को प्राप्त हुआ था।

[सं. एल-22012/51/2002-आईआर (सीएम-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 6th October, 2009

S. O. 2999.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 125/02) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of NCPH Colliery, and their workmen, which was received by the Central Government on 6-10-2009.

[No. L-22012/51/2002-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/125/2002

Presiding officer : Shri Mohd. Shakir Hasan

The Secretary,
Bhartiya Koyala Khadan Mazdoor Sangh,
Branch N.C.P.H. Colliery,
P. O. Haldibadi,
Distt. Korea (Chhattisgarh) Workman/Union

Vs.

The sub Area Manager,
NCPH Colliery,
PO Haldibadi, Distt. Korea,
Korea, Chhattisgarh Management

AWARD

Passed on this 25th day of September, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/51/2002-IR (CM-II) dated 28-8-02 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the Sub Area management of NCPH Colliery of SECL in not giving pay protection to Shri Kanhaiyalal and Shri Ganesh Tripathi on promotion/placement from Category-II/IV to clerical cadre is legal and justified? If not, to what relief are the workmen entitled and from what date?”

2. The workmen/applicants did not appear in spite of service of notices. Lastly the predecessor's Court proceeded the reference ex-parte against the workman on 17-6-08.

3. The management appeared and filed his written statement. The case of the management in short is that the terms of reference is vague as the applicants are claiming pay protection but it is not clear as from which date. It is stated that the reference is belated. The workman Shri Kanhaiyalal was initially appointed as General Mazdoor. He was promoted time to time and was working as Loco-Tarwala Category-IV. He was promoted and regularized to the post of Munshi (UG) Grade-III w.e.f. 8-1-1989. Thereafter he was granted pay protection in the post of Munshi (UG) Grade-III w.e.f. 13-8-96 without any arrear. It is stated that the workman Shri Ganesh Tripathi was also appointed as General Mazdoor. Thereafter he was also given promotion time to time. He was working as daily rated employee. He was regularized to the post of underground Munshi Grade-III w.e.f. 2-8-96. He has been also granted pay protection in the same post w.e.f. 15-1-2003 without arrear. It is stated that the workmen have availed the benefit arising out of such pay protection. It is submitted that the action of the management is justified and the award be accordingly passed.

4. To prove the case, the management has examined one witness. Management witness Shri R. L. Khatik is Personnel Manager in NCPH Colliery of SECL, Chirimiri Area. He has stated that both the workmen have already been granted pay protection in the post of Munshi (UG) Grade-III. The orders of the respective workmen with regard to the pay-protection are filed which are marked Exhibit M/1 and M/2. The orders of the management clearly show that pay protection is given to these workmen. It appears that now there is no dispute between the management and the workmen as such the workmen did not appear to contest the case. Accordingly the reference is answered.

5. In the result, no dispute award is passed without the order of costs.

6. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2009

का.आ. 3000.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एफ सी आई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, चैन्नई के पंचाट (संदर्भ संख्या 18/2006 से 28/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-2009 को प्राप्त हुआ था।

[सं. एल-22012/159/2005-आईआर (सी-II), एल-22012/193/2005-आईआर (सी-II), एल-22012/161/2005-आईआर (सी-II), एल-22012/192/2005-आईआर (सी-II), एल-22012/160/2005-आईआर (सी-II), एल-22012/202/2005-आईआर (सी-II), एल-22012/194/2005-आईआर (सी-II), एल-22012/186/2005-आईआर (सी-II), एल-22012/167/2005-आईआर (सी-II), एल-22012/187/2005-आईआर (सी-II), एल-22012/181/2005-आईआर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 6th October, 2009

S. O. 3000.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.18/06 to 28/06) of the Industrial Tribunal, Tamil Nadu Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 6-10-2009.

[No. L-22012/159/2005-IR(C-II), L-22012/193/2005-IR(C-II), L-22012/161/2005-IR(C-II), L-22012/192/2005-IR(C-II), L-22012/160/2005-IR(C-II), L-22012/202/2005-IR(C-II), L-22012/194/2005-IR(C-II), L-22012/186/2005-IR(C-II), L-22012/167/2005-IR(C-II), L-22012/187/2005-IR(C-II), L-22012/181/2005-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL TAMIL NADU, CHENNAI-600 104

Friday the 31st day of July, 2009

PRESENT

TMT. S. VIMALA, B.Sc. M.L.

Presiding Officer, Industrial Tribunal

Industrial Dispute Nos. 18/2006 To 28/2006

(In the matter of dispute for adjudication under clause (d) of Sub-section (1) and Sub-section (2A) of Sec. 10 of Industrial Disputes Act, 1947 (14 of 1947) between the management of Food Corporation of India and their Workmen)

BETWEEN

S/Shri

1. S.M. Sudalaiandi
72, First Street,
Nethaji Nagar,
Tondiarpet, Chennai-600 081.

....Petitioner in I.D. No.18/2006

2. I. Rangasamy
46, 12th Street,
Ashok Nagar, Chennai-600 083.

....Petitioner in I.D. No. 19/2006

3. S. Samy,
Old No. 6-D, New No. 22,
Bakthavatchalam Nagar,
First Street, Palavanthangal,
Chennai-600 114.Petitioner in I.D. No. 20/2006

4. V.K. Elumalai
9/7, Iyappan Street,
West Mambalam
Chennai-600 033Petitioner in I.D. No.21/2006

5. D. Varadharajulu
16/1, Somu Chetty Street 2nd Lane,
Royapuram,
Chennai-600913,Petitioner in I.D. No.22/2006

6. S. Elumalai
315, Q Block,
Ranganathapuram,
Korukkupet,
Chennai-600 021.Petitioner in I.D. No. 23/2006

7. P. Rajamanickam
6/49, Meenambai Nagar,
3rd Street, Korukkupetta,
Chennai-600 021.Petitioner in I.D. No.24/2006

8. S. Mohammed Sulaiman
7/237, Muthalamman koil Street,
'C' Pallavaram,
Chennai-600 043Petitioner in I.D. No. 25/2006

9. D. Sivanantham,
14, Kalingarayan First Lane,
Old Washermanpet,
Chennai-600 021.Petitioner in I.D. No. 26/2006
10. R. Vairam
27/3 or 23/7 Second Street,
T.V.K. Nagar,
Tiruvalliyar
Chennai-600 019Petitioner in I.D. No. 27/2006
11. P. Perumal
15, Nakkiran Street, Kamaraj Nagar,
Avadi, Chennai-600 071Petitioner in I.D. No. 28/2006

And

1. The Sr. Regional Manager,
Food Corporation of India,
Regional Office,
5/54, Greaves Road,
Chennai-600 006.
2. The District Manager,
Food Corporation of India,
District Office, Azeez Centre,
623, Mount Road,
Chennai-600 006.

Respondents/Managements.

These Industrial disputes coming on for final hearing on Thursday, the 23rd day of July, 2009, upon perusing the Reference, Claim statements, Counter statements and other connected papers on record and upon hearing the arguments of Thiru S. Vaidyanathan, Advocate appearing for the Petitioners and Thiru M. Imthias, Advocate appearing for Respondent Nos. 1 and 2 in these industrial disputes and these disputes having stood over till this day for consideration, this Tribunal made the following :

COMMON AWARD

2. The Second Respondent by a Common Office Order dated 31-5-2001 superannuated 38 employees w.e.f. 31-5-2001, quoting the notification of the Ministry of Shipping and Surface Transport and the orders of the Head quarters of Food Corporation of India at New Delhi, under which the age of superannuation for the departmental workers was rolled back from 60 to 58 years. This order is challenged by the respective workmen in I.D. Nos. 18/2006 to 28/2006.

3. The brief averments in the Claim statement of the Petitioner in I.D. No. 18/2006. (Similar contention has been raised by other petitioner also in I.D. Nos. 19/2006 to 28/2006).

The petitioner is the employee of Food Corporation of India. He was deputed to work at Port Trust. The age of superannuation for the employees under the FCI is 60 years. For Port Trust employees also the age of retirement was 60 years but later on it was reduced to 58 years. The

Food Corporation of India without giving any notice Under Sec. 9A of the I.D. Act altered the service condition of the petitioner and reduced the age of retirement from 60 to 58. Merely because Port trust reduced the age of retirement of its employees from 60 to 58 it does not mean that the retirement age of employees deputed to Port Trust should also be reduced from 60 to 58.

4. There were 38 employees like the petitioner who were working in Chennai Harbour and they have been retired at the age of 58, as on 31-5-2001. Some employees reached 59 years and some had several months of service left as on 31-5-2001.

5. The Food Corporation of India at Vizag has issued 9A notice before effecting the change in the retirement age to FCI Port workers. The dispute raised by Vizag union is pending. In Chennai only no notice U/s 9A is issued. Hence the action of FCI in divesting the duties of the workers amounting to termination the dispute falls within Sec. 2A of the I.D. Act. The action of FCI also amounts to discrimination as the Vizag Port trust employees are allowed to work upto the age of 60 years.

6. The petitioners raised the issue before the Asst. Commissioner of Labour Chennai.

The petitioners have attained the above 60 years of age. In case the petitioners disengagement w.e.f. 31-5-2001 is found to be illegal the petitioners would be entitled to monetary benefit from 1-6-2001 till they attain the age of 60 years. They will be entitled to difference in terminal benefits like Gratuity etc. They do not have the benefit of pension scheme. The denial of employment without notice U/s 9A is not justified. The termination is illegal.

7. The brief case of the Respondents : (Counter has been filed by the first respondent and it is adopted by the Second respondent). (Similar contention has been raised in other cases also).

The Industrial dispute is neither maintainable in law nor on facts.

The petitioner was employed as departmental labour to work at Madras harbour to handle the shipment of foodgrain. The terms and conditions were governed by a separate Certified Standing order titled "standing order for workmen employed at Madras harbour by Food Corporation of India." As per this standing order the age of superannuation is 58. The service and working condition was on par with workers of the Chennai Port Trust and Chennai Dock Labour Board.

The employees of Food Corporation of India are governed by separate Staff Regulation called Food Corporation of India Staff Regulation, 1971. Whenever it is beneficial the workmen claim themselves to be reckoned as Port Trust labourers. Now the claim is contra. Even though the age of superannuation is 58 for the departmental

labourers, the Food Corporation of India increased the same to 60 years earlier, on par with the dock labourers. At that time no notice was issued under Sec. 9A of the I.D. Act because the age of retirement was not the one among 11 conditions set forth in the Fourth schedule of the Act.

10. When the Chennai Port Trust has reduced the superannuation age to 58 years the FCI management has just followed it. The claim is belated. The dispute raised after 3 years of superannuation should not be entertained.

11. The FCI has neither terminated nor retrenched any departmental labour from Chennai Port as alleged by the petitioners. The FCI Vizagapattinam has also reduced the age of retirement from 60 to 58. The FCI Vizagapattinam failed to make changes in the certified standing orders and in view of that now they have issued notice U/s 9A. But the Standing order of FCI at Chennai shows the age of superannuation only as 58.

12. The policy of Central Govt. of India is binding on the Food Corporation of India and as per the Central Government policy, originally that is earlier the age of superannuation was enhanced from 58 to 60 and subsequently it was reduced from 60 to 58 and this was repeated. Whenever alteration in the age of superannuation was made in FCI in Chennai no amendment was made in the Standing order. When the order was implemented on 31-5-2001, no individual labour or union raised any objection. The dispute raised after 3 years is hit by latches. There is no merit in the Claim statement and therefore it should be dismissed.

13. On the Orders of the Hon'ble High Court, the dispute raised by the petitioners in I.D. Nos. 18/2006 to 28/2006 was ordered to be adjudicated by this Tribunal. Pursuant to the orders of the High Court, the Ministry of Labour also ordered the dispute regarding petitioners in I.D.No. 18/2006 to 28/2006 to be tried by this tribunal.

14. The Counsel for the petitioners filed a Memo stating that all the Industrial Disputes may be tried and heard together.

15. The contentions raised by each of the petitioner in I.D. Nos. 18/2006 to 28/2006 and the defence raised by the Respondents in respect of the above I.D. are similar. As the common issue of fact and law arises in all these disputes common award is passed.

16. The petitioner in I.D.No. 18/06 has been examined as WW1 and Ex. W1 to W12 were marked. No oral and documentary evidence has been adduced on the side of the Respondents.

Ex. W3 dated 31-5-2001 ordering 38 employees to retire from the services on 31-5-2001 is under challenge.

17. The following issue in the respective cases has been referred to this Tribunal for adjudication and the details are furnished in the following tabulation.

S.No.	Case No.	Ref. No. & Date	Issue
1	2	3	4
1.	I.D.No. 18/2006	L-22012/159/ 2005/IR(CM-II) Dated 20-7-06	Whether the action of the management of Food Corporation of India in superannuating Sh. S.M. Sudalai Andi with effect from 31-5-2001 is legal and justified? If not, to what relief the workman is entitled to ?
2.	I.D.No. 19/2006	L-22012/193/ 2005-IR(CM-II) Dated 20-7-06	Whether the action of the management of Food Corporation of India in superannuating Sh. I. Rangaswamy with effect from 31-5-2001 is legal and justified? If not, to what relief the workman is entitled to ?
3.	I.D.No. 20/2006	L-22012/161/ 2005/IR (CM-II) Dated 20-7-06	Whether the action of the management of Food Corporation of India in superannuating Shri S. Samy. with effect from 31-5-2001 is legal and justified? If not, to what relief the workman is entitled to ?
4.	I.D.. No. 21/2006	Order No. L-22012/192/ 2005/IR(CM-II) Dated 20-7-06	Whether the action of the management of Food Corporation of India in superannuating Sh. V.K.. Elumalai with effect from 31-5-2001 is legal and justified? If not, to what relief the workman is entitled to ?
5.	I.D. No. 22/2006	Order No. L-22012/160/ 2005/IR(CM-II) Dated 20-7-06	Whether the action of the management of Food Corporation of India in superannuating Sh. D. Varadharajalu with effect from 31-5-2001 is legal and justified? If not, to what relief the workman is entitled to ?
6.	I.D.. No. 23/2006	Order No. L-22012/202/ 2005/IR(CM-II) Dated 20-7-06	Whether the action of the management of Food Corporation of India in superannuating Sh. S. Elumalai with effect from 31-5-2001 is legal and justified? If not, to what relief the workman is entitled to ?

1	2	3	4
7.	I.D. No. Order No. 24/2006 L-22012/194/	Whether the action of the management of Food Corporation of India in superannuating Sh. P. Rajamanickam with effect from 31-5-2001 is legal and justified? If not, to what relief the workman is entitled to?	
8.	I.D. No. 25/2006 L-22012/186/	Whether the action of the management of Food Corporation of India in superannuating Sh. S. Mohammed. Sulaiman with effect from 31-5-2001 is legal and justified? If not, to what relief the workman is entitled to?	
9.	I.D. No. L-22012/167/ 26/2006 2005/IR(CM-II)	Whether the action of the management of Food Corporation of India in superannuating Sh. D. Sivanantham with effect from 31-5-2001 is legal and justified? If not, to what relief the workman is entitled to?	
10.	I.D. No. L-22012/187/ 27/2006 2005/IR(CM-II)	Whether the action of the management of Food Corporation of India in superannuating Sh. R. Vairam with effect from 31-5-2001 is legal and justified? If not, to what relief the workman is entitled to?	
11.	I.D. No. L-22012/181/ 28/2006 2005/IR(CM-II)	Whether the action of the management of Food Corporation of India in superannuating Sh. P. Perumal with effect from 31-5-2001 is legal and justified? If not, to what relief the workman is entitled to?	

Cruz of the issue

Superannuation or termination, is the critical opposing stand taken by the management and the employees respectively. If it is superannuation nothing is available to contest and if it is termination the legality or otherwise can be canvassed. The contention of the management is that the services of the employees were terminated only in accordance with the Standing Orders

and therefore it cannot be questioned. According to the employees the termination was unjust, violative of equality, discriminatory and not in accordance with (a) the standing orders (b) the provision of the I.D. Act and the principles of natural justice and therefore it can be questioned.

Jurisdiction

The learned counsel for petitioner outlined the history of the case and incidentally pointed out that this tribunal has got jurisdiction. Originally the Government refused to make a reference to the Industrial Tribunal and the employees moved the Hon'ble High Court by way of Writ Petition and got a direction to the Government to make a reference. Originally the Industrial tribunal at Chennai was also functioning as Central Government Industrial Tribunal. Only during 2001 Central Government Industrial Tribunal was constituted at Chennai. Under the third proviso to Sec. 10, the Central Government can refer any matter to a Tribunal constituted by the State Government. This proviso was introduced in the year 1984. Therefore even though the appropriate Government is the Central Government, the Central Government can make a reference to the Industrial Tribunal, Chennai that was constituted by the State Government namely the Govt. of Tamil Nadu.

Delay in raising the claim:

The learned counsel for the management contended that on the ground of 3 years delay the petition must be dismissed. Whether delay could be a ground to reject the claim of the employees? It is settled law that in any interpretation relating to special welfare legislation technicalities cannot stand in the way of rendering substantial justice. This court wanted a clarification as to the reason for the delay. The learned counsel represented that this delay occasioned in order to avoid the delay in getting the retirement benefits. The delay can always be compensated by cost or by imposing suitable terms while passing the award. Substantial justice cannot be allowed to suffer due to procedural pitfalls.

Before discussing other issues, it is useful to consider the documents filed on the side of the petitioners.

Sl. No.	Ex. No.	Date of	Details of document	Important contents
1	2	3	4	
1.	W5	03-01-70	Standing order of FCI	Clause 20 (Retirement) A workman may be retired from service of his attaining the age of 58 years or earlier when he is certified medical unfit for the work.
2.	W10	29-5-98	Fax message Circular No.	Age of superannuation

1	2	3	4	1	2	3	4
		IRL(4)10/98 regarding enhancement of age of retirement	enhanced from 58 years to 60 years w.e.f. 29-5-98 to all departmental workers, workers under direct payment system and 'no work no pay' system.			conditions dt. 27-7-01 issued by FCI Visagapattinam.	conditions on par with Port Trust and as the Port Trust has reduced the age of retirement FCI also wants to reduce
3.	Ex.W6	29-5-98	Fax from FCI message				
			Employees who are otherwise normally superannuating on 31-5-98 may not be allowed to retire till further instructions.	9.	W7	28-9-2000	Circular of FCI, New Delhi
							Revision of wage structure of FCI Departmental workers working at Inland Port on the basis of settlement.
4.	W11	04-06-98	Letter from Ministry of Surface Transport to Port Trust.				
			Age of retirement of dock workers employed under various schemes framed under of dock workers regulation of Employment Act 1948 enhanced from 58 to 60.	10.	W9	28-9-2000	Circular of FCI, New Delhi
							Revision of wage structure of FCI Departmental workers working at Mumbai Port on the basis of settlement
5.	W1	20-3-01	Order of FCI regarding superannuation of 3 workers.	11.	W8	Sep. 2004	Petition U/s 2A of I.D. Act.
			3 departmental workers of Chennai Harbour superannuated on 31-5-2001 at the age of 60 and the order was issued on 20-3-2001.				Petition filed before Asst. Commissioner of Labour by one Ramu
				12.	W12	30-5-05	Order passed by Asst. Commissioner of Labour, Chennai
							Report on failure of conciliation
6.	W2	04-05-01	Letter from FCI Delhi to FCI Chennai				
			Reduction of superannuation age from 60 to 58 in respect of Port Labour of Chennai and Visagapattinam Instructions to follow Sec. 9A of I.D. Act.				
7.	W3	31-5-01	Office Order of District Manager, FCI Chennai				
			38 employees superannuated by Proceedings dated 31-5-01 with immediate effect from 31-5-01.				
8.	W4	27-7-01	Form E (Notice of change of Service)				
			Annexure explaining that FCI had been extending the benefit of service				

17. It is the contentions of the management that policy decision of the Govt. of India and the Food Corporation of India are not open to challenge and therefore the age of superannuation fixed by Food Corporation of India, Delhi cannot be questioned. No doubt policy decision of the Government is not normally open to judicial review as decided by the Hon'ble Supreme Court of India. But in this case, it is not the policy decision of Govt. of India to change the age of retirement to all employees of all industries. The Govt. of India had left it to the option of the concerned organisation to decide on the reduction of age of superannuation by its Memo dated 22/24-11-2000. Ex. W4 (Annexure) shows that the policy taken by Govt. of India had been followed by Port Trust. Ex. W4 further reads that Food Corporation of India has taken a policy decision to reduce the age of retirement to its departmental labour working in Port Trust. The Food Corporation of India is a statutory body governed by the provisions of Food Corporation Act. The Food Corporation of India, Chennai branch has filed the Standing orders. Once it is an industry governed by the Standing orders any change in the retirement age can be effected only by following the Rules and Regulations prescribed in the Industrial Employment Standing Orders Act.

18. The learned counsel for the management contends that the Standing Orders (Ex.W5) (covering retirement) clause 20 prescribes the age of retirement as 58 and therefore there is no need to amend the Standing Order. The inaction on the part of the management is justified by saying that even when the age of retirement was increased from 58 to 60 the Standing Order was not amended and therefore when it is reduced from 60 to 58 there is no need to amend it.

This contention cannot be accepted because procedure prescribed for amending the Standing Orders is not an empty formality. It is not like balancing the equation. It is neither a mathematical formula. It involves the life liberty and peace of the employees as well as the employer.

19. Section 10 of the Industrial Employment Standing Orders Act, 1946 provides for modification of Standing Order. Once the employer apply to the Certifying Officer to have the Standing Order modified, the modifications proposed to be made, are to be communicated to the workmen union and if the procedure is followed, once again the participation by the workmen is ensured. In this process, the workmen get an advanced opportunity, well in advance so that he can prepare himself for the expected change.

20 The object of providing notice is to invite the attention/views suggestion, and convenience of the employees so that both the employer as well as the employees can run the industry happily and peacefully leading to development in personality and development in productivity. It is relevant to quote the decision of the Hon'ble Supreme Court where the concept of the personality development has been beautifully described.

(2008) 2 Supreme Court Cases (L & S) 76 (Between Food Corporation of India and Others) at p.80.

".....It is oftend said and indeed, adroitly, an organisation public or private does not 'hire a hand' but engages or employees a whole man. The person is recruited by an organisation not just for a job, but for a whole career. One must therefore, be given an opportunity to advance. This is the oldest and most important feature of the free enterprise system. The opportunity for advancement is a requirement for progress of any organisation.

There can not be any justification to run an industry without making necessary amendment in the Standing Order wherever it is warranted. Even if it is due to negligence the management cannot take advantage of the mistake but should try to rectify the mistake atleast by issuing prior intimation to the employees.

21. The next issue is whether issuance of Sec 9A notice is contemplated?

The firm contention of the management is that notice under section 9A is neither contemplated nor required and

in the fact situation the Hon'ble High Court has held that notice under sec. 9A is not necessary and that the very same notification, rolling the age of retirement has been upheld by the Hon'ble High Court.

The contention of the learned counsel for Respondent is that the Notification of the Ministry of Surface Transport was challenged by Chennai Dock Labour Board Employees Union and the claim of the union was negatived by the Hon'ble High Court Madras in W.P. No. 1862/2005. It is represented that the Hon'ble High Court has upheld the validity of the notification itself. It is contended that the Hon'ble High Court has held that notice U/s 9A is not necessary. Perusal of the order clearly shows that the facts in this are totally different and the decision would not apply to the facts of the case. The observations made in para 11 of the Judgement is quoted which is as follows :

" Though Section 9-A of the I.D. Act contemplates 21 days notice, the proviso to the said section clearly states that if there are statutory regulations, no notice is required. The only criteria is that those statutory regulations have to be published in the Government Gazette. As stated already, the amendments have been published in the Government gazette and hence, the question of any notice being given under Section 9-A does not arise."

22. The learned counsel for the Petitioner has pointed out that though the employees of Food Corporation of India are deputed to do some work at Port Trust they cannot be construed as employees of Port Trust and they continued to work only under the Management of Food Corporation of India. It is contended that the Ministry of Shipping and Surface Transport has nothing to do with Food Corporation of India and any regulation issued by that Ministry will not be binding by upon the Food Corporation of India.

The learned counsel for the petitioner pointing out the Cause title in the above referred Writ Petition contends that decision is applicable only to the employees of Dock Labour Board and Chennai Port Trust and not to the employees of Food Corporation of India.

It is further pointed out that the validity of rolling back in the age was upheld only because the Chennai Port Trust followed the procedure contemplated in the Statute. The discussion in para 8 is pointed out. Under para 8 it is stated that the Chennai Port Trust in exercise of the powers under Sec. 28 of the Major Port Trust Act, 1963 amended the regulation and correspondingly certified standing orders were also amended. Subsequently when there was a change of policy by the Central Government and when Public Sector Corporations and Statutory Bodies were given option to roll back upon the age of retirement from 60 to 58, the Chennai Port Trust has effected necessary change in the statutory regulaions and change made in

the Standing order also. But so far as, Food Corporation of India is concerned there is no evidence at all to show that those procedural formalities have been complied with.

The corporation cannot be heard to say that double negative makes a positive. The management cannot be permitted to say that just because standing orders were not amended when the retirement age was increased from 58 to 60 they will not amend the Standing Order when it is reduced from 60 to 58. The management ought to have atleast issued a notice intimating that, there is going to be a change in the retirement age in the reverse direction and that the need for amending Standing Order will not arise because of the prior omission in effecting necessary amendments in the Standing Orders.

23. The learned counsel for the respondent has relied upon the decision reported in 1993 LAB IC. 1850 wherein it has been held that the age of retirement is not one of the aspect covered under Fourth Schedule to the I.D. Act. The relevant observation runs as follows:

“Fourth Schedule to the Industrial Disputes act sets down certain matters and the age of retirement as such is not one of the aspects deals with nor any general condition of service. It refers to specific items of condition of service such as wages, allowances, hours of work, contributions to be payable to provident fund or pension fund, classification of employees by grades, withdrawal of customary concessions or privileges, charge in usage or introduction of new rules of discipline or alteration of some existing rationalisation standards, improvement of plant or technical know-how which may involve retrenchment of workmen or increase or reduction in the number of employees in any occupation or process of department not occasioned by circumstances over which the employers have complaint”.

Section 9A of the Act provides that an employer proposing to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule to the Act cannot effect such change without giving notice to the workman in the prescribed manner. The contention of the management is that the Fourth Schedule provides only for eleven items in the conditions of service and only if changes are effected with reference to any one of the eleven items notice would be mandatory. According to him not all changes are required to be notified. In other words the contention is that the fixation of period of service or date of retirement are not the items that are included in the Fourth Schedule and therefore no notice is required.

24. The pre-conditions for the applicability of Sec. 9A has been enumerated and those conditions are as follows:

(a) There must be a change in the condition of service.

(b) The change must be such that it adversely affects the workmen (Workmen V. Hindustan Lever Ltd. 1973 ILLJ 427).

(c) The change must be in respect of any matter provided in the Fourth Schedule to the Act.

No doubt only eleven items are provided as condition of service. Apart from the express condition, there may be conditions which by a process of interpretation can be included within one or other of the eleven listed items.

It is relevant to consider the decision reported in (1999) 6 SCC 275 Lokmat News Paper Pvt. Ltd. Vs. Shankar Prasad Labour Law- Industrial Disputes Act. 1947- Ss. 9-A, 10, 11-A and Sch. IV Item 10—Change in condition of service as a result of proposed scheme of rationalisation, standardisation or improvement of plant or technique—Dispute regarding the proposed introduction of the scheme when referred to before competent court, that court on hearing the parties and considering the evidence can decide whether the scheme was justified or was violative of 9-A and as such consequent retrenchment was illegal and in case of such illegality, it can direct reinstatement of the retrenched workman with back wages.

It is pointed out that rationalisation is a separate entity but when it results in retrenchment “change of service condition” is imported and notice under section 9A becomes necessary. The ratio of this case shows how to interpret change of service condition under section 9A of the I.D. Act.

It is relevant to consider clause No. 8 of Schedule-IV and clause 8 speaks about withdrawal of customary concession or privilege or change in usage. It is contended that when the Standing Order was not amended as and when it ought to have been amended, then the employees would be knowing only about the usage. To the knowledge of the employee the usage was that the employees were superannuated only at the age of 60 according to the last known practice and when the management wanted to effect change in that usage notice ought to have been given. The word usage is defined as follows. In the Oxford Concise English Dictionary 11th Edition: The action of using something or the fact of being used (ii) habitual or customary practise. The evidence reveals that originally the employees were superannuated as per Standing Orders at the age of 58. From 1998 the employees were used to be superannuated at the age of 60, till 2001. Therefore from 1998 to 2001 the usage was to superannuate employees only at the age of 60. During 2001 March the management wanted to superannuate the employees at the age of 58. Therefore when there is a change in the usage from 58 to 60 and vice versa definitely there is change in usage for which the management ought to have notice U/s 9A.

Discrimination:

The learned counsel for the workmen contended that the employees/petitioners are the employees of Food

Corporation of India and therefore the age of retirement as prescribed for the employees of Madras Port Trust would not apply to them, just because they have been deputed to work in Madras Port Trust. On the other hand the learned counsel for the management contended that the employees have been enjoying all those benefits as are applicable to Port Trust employees and therefore when there is a set back the employees cannot contend that the service condition, as are applicable to Port Trust employees would not apply to them. The learned counsel for Petitioner submitted that on the basis of equal pay or equal work they have been given salary on par with Port Trust employees and that it cannot be a factor for applying the age of retirement as applicable to Port Trust employees to the employees of Food Corporation of India. There is no comprehensive presentation or acceptable evidence to show that the service conditions as applicable to the employees of Port Trust are applicable to the employees deputed to work in Port Trust.

25. Yet another contention is that ... when the retirement age of some group of employees of Food Corporation of India is 60 there is no justification to reduce the retirement age of employees deputed to Port Trust alone to 58 years. There may be justification but no evidence has been placed before the Court to justify the contention.

26. The learned counsel for management pointed out that Food Corporation of India has been extending all the service benefits which are applicable to employees of Port Trust and therefore on par with employees of Port Trust, Food Corporation of India, considering the policy of Government reduced the age and therefore it is justified. Just because benefits are extended the burden also need not be extended. Even assuring that the F.C.I. is justified in deciding to reduce the age, it can do it only in accordance with the Procedure established by law.

Rolling back the age of retirement from 60 to 58 on par with the retirement age of the employees of Port Trust is justified by the Respondent on the ground that the decision was taken on the basis of the Government Order issued by the Ministry of Surface Transport. The answer by the employee is that Ministry of Surface Transport has nothing to with the Food Corporation of India.

Natural justice :

When the age of retirement is fixed by contract of appointment or by agreement or through Standing orders, no question of issuing any notice would arise before superannuating any employee. But when there is fluctuation in the age of retirement and the employees have the legitimate expectation that they would have the opportunity to work until 60, as per the prevailing practice, then in case of rolling back on the age definitely hence ought to have been given to the employees.

Even assuming that the employees is not entitled to notice U/s. 9A or before amending the Standing Orders,

yet having regard to the facts and circumstances of the case, principles of natural justice require that the management ought to have served the notice upon them atleast to give some breathing time to have a mental make up. If not to pre-plan their retirement life. The insecurity in the service tenure would demoralise the employees leading to indifference and inefficiency.

27. The whole object of notice contemplated under the industrial Employment Standing Orders Act as well as Section 9 of Industrial Disputes Act is apparently to prevent a unilateral action on the part of the employer changing the condition of the service to the prejudice of the workmen. In respect of the proposal by the management if the workman is consulted it serves the purpose of arriving at a consensus in the decision making process. It stimulate a feeling of common joint interest of the management and workmen in the industrial progress and increased productivity.

It is relevant to point out the decision of Karnataka High Court reported in 1993 LAB I.C. 1850 whereunder the decision of the Hon'ble Supreme Court has been referred:

28. In the above referred decision, it has been pointed out that in cases where there is no pension scheme as such it would be reasonable to fix the age or retirement as 60 years. Even assuming that the management choose to adopt the policy of the Government rejecting all the contentions of the workmen, even then, it would give advance notice to the workmen to plan his future life.

29. It is really shocking that indiscriminately at one stroke 38 employees have been asked to retire on 31-5-2001 by the Proceedings dated 31-5-2001. The Proceedings and retirement are on the same day. It is represented that the age of the employees who were ordered to go out of service, were ranging in-between 58 years to 60. The workmen would have never imagined that it would be the last day of work for them. The proceedings issued by Food Corporation of India dated 20-3-2001 is filed as Ex.W1. It is issued to the departmental workers of Chennai Harbour. Under the proceedings three employees have been informed that the superannuation for them would be on the day when they attain the age of 60 that is on 31-5-2001. There can not be any more patent discrimination. If there could be any positive discrimination or reasonable discrimination that should come out with reasons. Now the management contends that they have taken a policy decision to adopt the policy of the Government. It is open to them to do it but only after following the procedure prescribed under the industrial laws. That has not been done. Therefore as contended by the learned counsel for the petitioner this disengagement of the labourers from 31-5-2001 would not amount to superannuation but it would amount to termination.

30. It is open to the Food Corporation of India to reduce the age of retirement after following the procedure

contemplated under the law. It is not as if the government has directed the Public Sector undertaking to adopt the policy of Government. The Government has only given option to the Public Sector undertaking to adopt the policy of the Government or not. If the F.C.I. want to adopt the policy of the Government it is open to them to do it by following the procedure prescribed under the law. In the decision of the Karnataka High Court quoted above it has been observed as follows :

“The trend of the decision in the matter of the age of retirement is to raise the age of retirement. To fix the retirement age though originally the age of retirement in respect of Government employees was fixed as 55 years the II Pay Commission made a recommendation that it should be increased to 58 or 60, considering the improvement in health care and increasing longevity. It is also stated that the maturity of the workmen would be certainly usefull to concerned employers and efficiency would increase. To these aspects detailed reference has been made by the Supreme Court in *British Paint India Ltd., Vs. its Workmen* 1996 I LAB L.J. 407 (AIR 1966 Supreme Court 732).”

This Tribunal wish to point out that it is not the observation or expectation or wishful thinking of this Tribunal that the employee should get the age of retirement as sixty. It is for the Administrators to decide that. If really an opportunity has been given, to the employees probably there would have been an opportunity to putforth contentions similar to the one mentioned above. Assuming the extreme that the contentions are not valied even then it would give the employees a sense of satisfaction that they were consulted.

Irrespective of the fact that the decision given by the Central Government Industrial Tribunal is not binding upon this tribunal, even with great self persuasion this tribunal is unable to agree with the reasoning given by and the decision arrived at by the Central Government Industrial Tribunal.

In the result award is passed holding that the action of the management of Food Corporation of India in superannuating Thiru I. S.M. Sudalaiandi, 2. Rangasamy, 3. S. Samy, 4. V.K. Elumalai, 5. D. Varadharajalu, 6. S. Elumalai, 7. P. Rajamanickam, 8. S. Mohammed Sulaiman, 9. D. Sivanantham, 10. R. Vairam and 11. P. Perumal w.e.f. 31-5-2001 is illegal and unjustified. Those employees are deemed to be continuing in service till the employees attained their respective age of 60 and this period of service shall be deemed to be “period of service” for the purpose of granting terminal benefits. No costs.

Dated at Chennai this the 31st day of July, 2009.

S. VIMALA, Presiding Officer

I.D. Nos. 18 to 28 of 2006

List of Witnesses Exhibits

Witnesses Examined on the side of Petitioner/Workmen:

W.W.1 : Thiru P. Perumal

Witnesses Examined on the side of Respondent/Management:

None

Exhibits Marked on the side of Petitioner/Workmen:

S.No.	Date	Ex.	Description of Document
1.	20-03-01	Ex.W01	Order of FCI retiring employees on attaining the age of 60 Years
2.	04-05-01	Ex.W02	Letter of FCI New Delhi instructing the FCI Chennai to comply with Sec. 9A
3.	31-05-01	Ex.W03	Order of FCI retiring the petitioner and other employees at 58 years without issuing a notice U/s. 9A
4.	27-07-01	Ex.W04	Notice U/s 9A issued to the employees of FCI working at Vizag Port with annexure
5.	03-01-70	Ex.W05	Standing orders of FCI applicable to workmen
6.	29-05-98	Ex.W06	Fax regarding enhancement of age of retirement for staff
7.	28-09-00	Ex.W07	Circular No. 11 of 2000 from FCI H.Q. bearing Reference No. IR(L)/4(32)/98
8.	30-09-04	Ex.W08	2A petition
9.	28-09-00	Ex.W09	Circular No. 10 of 2000 from FCI H.Q. bearing Reference No. IR(L)/4(32)/98
10.	29-05-98	Ex.W10	Circular No. IR(L)/4(10)/98 regarding enhancement of age of retirement for workers
11.	04-06-98	Ex.W11	Lr. No. L.B.16017/2/98-L-IV of Ministry of Service Transport to Port Trusts and Dock Labour Board regarding enhancement of age of retirement from 58 to 60 years
12.	30-05-05	Ex.W12	Conciliation failure report

Documents marked by Respondent/Management:

Nil

नई दिल्ली, 6 अक्टूबर, 2009

का. आ. 3001 .—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं डब्ल्यू.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 36/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-10-2009 को प्राप्त हुआ था।

[सं. एल-22012/52/2008-आई आर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 6th October, 2009

S. O. 3001.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 36/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the management of Wani Area WCL and their workmen, received by the Central Government on 6-10-2009.

[No. L-22012/52/2008-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/36/2008 **Date: 17-9-2009**

Petitioner/: The General Secretary,

Party No.1 Sanyukta Khadan Mazdoor Sangh,

Sanyal Bhawan, Gandhinagar, Ghugus,
Chandrapur (M.S.)

Versus

Respondent/: The Chief General Manager,

Party No. 2 Wani Area of WCL, Post-Urjagram,
Tadali, Chandra pur (M.S.)

AWARD

(Dated: 17th September, 2009)

1. The Central Government after satisfying the existence of dispute between the General Secretary, Sanyukta Khadan Mazdoor Sangh, Chandrapur (Party No.1) and the Chief General Manager, Wani Area of WCL, Chandrapur (Party No. 2) referred the same for adjudication to this Tribunal vide its letter No. L-22012/52/2008/IR (CM-II) dated 30-9-2008 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management of Wani Area of Western Coalfields Limited in refusing to record the correct date of birth of Shri Rambrij Yadav, Pump Khalasi of Ghugus O/C Mines of WCL as raised by the SKMS Union is legal and justified? To what relief is the Union / workman entitled?"

3. The above reference came up for hearing on 28-8-2009 on which both the parties were absent. However, the management submitted its letter dt. 22-1-2009 i.e. even earlier to the reference. It seems that the Petitioner Shri Rambrij Yadav, Pump Khalasi, had represented to the management for correcting his date of birth in its record from 1-7-1948 to 1-7-1952. The Union had also taken up the case and consequently ALC, Chandrapur submitted his failure of conciliation report to the Ministry. However, in the mean time the parties i.e. the Petitioner and the Respondent settled the matter and management of WCL admitted the claim of the Petitioner. It has changed the date of birth from 1-7-1948 to 1-7-1952 as per the request of the Petitioner. In such circumstances, there remained no dispute between the parties that has already been solved and the reference will have to decide admitted. There are no reasons to reject the contention of the Petitioner. In fact, the Petitioner has not even filed the statement of claim but when the management is admitting and correcting his date of birth as per his request, there remained no dispute. Hence I passed no dispute Award in this reference.

Date: 17-9-2009.

A. N. YADAV, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2009

का. आ. 3002 .—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कमांडेंट ए.एफ.एम. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में लेबर कोर्ट, पुणे के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-10-2009 को प्राप्त हुआ था।

[सं. एल-14012/15/2004-आई आर(डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 6th October, 2009

S. O. 3002 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Pune, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Commandant, AFMC and their workman, which was received by the Central Government on 6-10-2009.

[No. L-14012/15/2004-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE**BEFORE THE PRESIDING OFFICER, III LABOUR COURT, PUNE AT PUNE**

Reference (IDA) No. 721/2004 . Exh. No. 116

The Commandant

AFMC, Pune 40

I Party

And

The General Secretary

Nursing Cadet Mess

Kamgar Sanghvi

73 Wanowrie Bazar

Pune-411040

1. Shri Atmaram Adav

2. Smt. Saraswati Pillay

3. Shri Suresh Bhalerao

4. Smt. Mangal Kamble

5. Smt. Kantha Shaikh

6. Smt. Mary Joseph Anthony

7. Smt. Shushila Jadhav

8. Smt. Shobha Khilare

9. Smt. Laxmi Kadam

10. Smt. Sunita More

11. Shri Subhah Venkat

12. Smt. Subamma Subayya

13. Smt. Fathima Inamdar

14. Smt. Kunmthi Devi Prajapati Second Parties

Coram : Shri P.T.Rahule**Appearances :** Mrs. Londhe—Deshpande—Adv. for I Party

Mr. Samant—Advocate for Second Parties

AWARD

(Delivered on this 23rd day of July, 2009)

This reference is made by Government of India, Bharat Sarkar, Ministry of Labour, Shram Mantralaya, New Delhi under clause (d) of sub-section (I) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 for adjudication of industrial dispute between above referred parties regarding the reinstatement with full back wages and incidental benefits.

2. The case of the Second Parties is that the 14 Second Parties were employed by the First Party for Nursing Cadet Mess, with last drawn salary ranging from Rs. 300/- to Rs.

700/- per month, which was supervised by the Principal College of Nursing AFMC since many years for providing residence and food to nursing cadets and nursing Officers. All the Second Party workmen were engaged in messing activities such as cleaning of food grains items, food stuffs, cooking of food, drinks and eatables for nursing cadets and nursing officers cleaning and maintenance of utensils and mess etc. The work of the mess was continuous and systematic in nature, required for every day activities. They were engaged in providing serving of food and drink items in breakfast, tea, lunch time, evening tea time and dinner at night in the mess and also engaged in service to provide those items in the Command Hospital (SC) ward where the Nursing Officers Cadets were on duty. All the activities of the mess are coming within the purview of the Industry as per the Industrial Disputes Act, 1947. All the Second Party workmen were paid less wages than the minimum wages. They requested for wages as per the Minimum Wages Act. The First Party was reluctant to accept their demands and tried to get their signatures on undated blank letters and blank forms. To highlight the demands and rights before the First Party, the Second Party workmen organised themselves and formed Trade Union named as "Military Nursing Cadets Mess Kamgar sangh" having registration No.P.N. 3538. After receiving information about the formation of the trade union, the First Party stated harassing the Second Party workmen by delaying the payment of wages etc. As the harassment went on increasing on the part of the First Party, the Second Party went on strike by giving strike notice dated 13-11-2002 for the strike to be commenced on 29-11-2002. On 29-11-2002, the strike did not take place as the conciliation process was started by the Assistant Labour Commissioner vide its office letter No.ALCP 8(57)/2002 dt. 14-11-2002. During the conciliation proceeding, the First Party did not allow the Second Party workmen to join their duties in Nursing Cadet Mess from 6-1-2003 and verbally retracted them from their service without giving any notice pay and retraining compensation as per the Law. Thereafter, they were forcibly evicted by the First Party from their quarters illegally without any show cause notice with the help of military police on 11-1-2003. It has been specifically pleaded by the Second Party workmen that after their illegal termination, the First Party had engaged other workers on the monthly salary ranging from Rs. 1000/- to Rs. 1400/- per month. Hence, the Second Party workmen approached the Assistant Labour Commissioner for conciliation. On failure of the conciliation, the reference came to be made to this Court on 10-11-2004. Hence, in this reference, by filing statement of claim, all the Second Parties have prayed for reinstatement with full back wages.

3. The First Party resisted the claim by filing written statement at Exh. 13. All the allegations of harassment,

illegal termination and forcible eviction from the quarters have been denied by the First party. It is denied that the employer-employee relationship does not exist between First Party and Second Parties. It is also denied that the First Party is an Industry. It has been contended that the First Party is established to provide medical education to the Army Officers of the country and it is not an Industry. The work carried out by the Second Party was never administered, supervised and controlled by the First Party. It is denied that the fourteen Second Party workmen were employed by the First Party and the Nursing Cadets Mess is established under the Ministry of Defence since 1965. It has been specifically denied that the Second Party workmen were engaged in messing activities such as cleaning process of foodgrains items, food stuff, cooking of food drinks and eatables for nursing cadets and nursing officers cleaning and maintenance of utensils and mess etc. and also for serving food and drinks items in breakfast, evening tea time and dinner at night in mess. It is contended that the college of Nursing is department of Armed Forces Medical College (hereinafter referred to as AFMC), Pune and the Second Party workers were temporarily domestic help servants in the nursing cadet mess. These domestic servants were hired on daily wages basis by the Hostel Committee comprising of Nursing students. Any appointment letters were never issued to them. They were never appointed by the selection process. They being domestic help servants were not given any specific category of work. They were hired as per the need of the day to work either in garden kitchen, to serve food in the kitchen and clean the hostel. The work of providing food to the students and other service of any kind is the exclusive responsibility of the Mess Managing Committee of the Cadets but it has been made party in this reference and hence the reference is bad in Law and suffers from non joinder of necessary parties. It has also been specifically denied that they were working since years as mentioned in the statement of claim. It is contended that the civil suits No. 61 to 74/2003 filed by the Second Party workers were decided and dismissed on merits on 29-3-2004. It is also contended that the mess is run from the contribution of the cadets and no public grants are received from Government for nursing cadet mess. The Second Party workmen went on strike on 29-11-2002 and themselves abandoned work thereby putting the cadet in great difficulty. They were never terminated as alleged. On these and other grounds, it prayed for rejection of the reference.

4. Considering the pleadings, averments and rival contentions of the parties, the following issues came to be recast on 4-10-2007; the reasonings and findings thereon are as under :

ISSUES

FINDINGS

1. Whether this Court has jurisdiction to try this reference ?

- | | |
|--|---|
| 2. Whether all the fourteen Second Parties have been illegally terminated by the First Party w.e.f. 6-1-2003 ? | Yes |
| 3. Whether all the fourteen Second Parties had themselves abandoned the job ? | No |
| 4. Whether the Second Parties are entitled to the relief claimed ? | Yes
Reinstatement only with continuity of service. |
| 5. What Award ? | Partly allowed. |

REASONS

5. Issue No. 1 : The Second Parties have examined in all 14 witnesses, viz. Shri Atmaram Adhav, Smt. Saraswati Pillay, Shri Suresh Bhalariao, Smt. Mangal Kamble, Smt. Kantha Shaikh, Smt. Mary Joseph Anthony, Smt. Sushila Jadhav, Smt. Shobha Khilare, Smt. Laxmi Kadam, Smt. Sunita More, Shri Subhiah Venket, Smt. Subamma Subayya, Smt. Fathima Inamdar, and Smt. Kunti Devi Prajapati and placed reliance on the documents filed alongwith list at Exhs. 4, 12, 17, 37, 50, and 51 alongwith other documents also. Though fourteen witnesses have been examined on behalf of the Second Party, the star witnesses are Atmaram Adhav, Kana Biran Murugesan Mudaliar, Saraswati Pillay, and Mangal Kamble. The evidence of the rest of the witnesses of the Second Party by way of affidavit and cross examination thereof are exactly the same.

On the other hand, the First Party has examined solitary witness—Mrs. Shobha Naidu and placed reliance on the documents filed alongwith list Exh. 54 and 55. This Issue No. 1 of jurisdiction involves hidden sub-issues regarding the challenge of status of industry of the First Party and existence of employer-employee relationship between the Second Party workmen and the First Party.

6. It is evident from the testimonies of Atmaram Adhav, Kana Biran Murugesan Mudaliar, Saraswati Pillay, and Mangal Kamble that all the fourteen Second workmen were employed with the First Party since many years. Some of them started working since 1972 to 1987. The Second Party's star witness—Mr. Kana Biran Murugesan Mudaliar has specifically deposed about the year of beginning of their employment. The Second Party workmen—Atmaram Adhav was working as a beare since about 29 years, Smt Saraswati Pillay was working as a cook since about 14 years, Suresh Bhalariao was working as a sweeper since about 10 years, Mangal Kamble was working as sweeper since about 10 years, Kanta Shaikh was working as cook since about 12 years, Mary was working as a sweeper since 8 years, Sushila Jadhav was working as a Masalchi since about 18 years, Shobha Khirale was working as a sweeper since about 7 years, Laxmi Kadam was working as a sweeper since 7 years, Sunita More was working as a

sweeper since 5 years, Subhaiyya was working as a bearer since about 15 years, Subamma was working as a utensils cleaner since 15 years, Fatima was working as utensils cleaner since about 12 years, and Kuntidevi was working as a bearer for about 13 years.

7. From the detailed testimonies of all the witnesses, it is evident that though they were working in the Nurshing Cadet Mess as Cook, Maslachi, Bearer, Sweeper, utensils cleaner etc. they were employed by the First Party, having control and supervision over the Nurshing College and Nurshing Cadet Mess and hence they are the employees of the First Party. It is also evident from their testimonies that they were given residential accommodations in the premises itself during the tenure of their service and they were forcibly evicted from their residential premises after their alleged illegal termination. It has also come in their evidence that they were given the Identity cards and the Cards/Passes for staying in the premises.

8. The First Party has come with the stand that they were daily wage workers and used to work as per the need of the work in the mess and were employed by the Mess Management committee only for the domestic work as and when required and were not at all regularly daily wages workers. It is also stand taken by the First Party that they were never employed by the First Party as the First Party being the Armed Forces Medical College, has three wings of the armed forces governed by the Central Government. In cross examination of the Second Party's witnesses, the stand has been put forth by the First Party to establish that the employer-employee relationship never existed between the First Party and Second Parties. But it is pertinent to mention here that in the entire cross examination, it has come on record that they were working in the Nurshing Cadet Mess in the Kitchen and were also given the residential accommodation for which all the Second Party workmen have filed civil suits for permanent injunction against the First Party which were ultimately dismissed and were also maintained by the Appellate Court. This fact has been corroborated by the documents filed by the First Party alongwith list at Exh. 35 which are certified copies of the Judgement in Civil Suit No. 61 to 74/2003 at Exh. 59 to 72 and their appeal Nos. 282 to 292/2004 at Exh. 73 to 86. Though the copies of the Judgements filed alongwith list Exh. 35 have clearly established that the civil suits were dismissed and their appeals were also dismissed, at the same time one thing automatically gets established from these copy of Judgements that all these Second Party workmen were in the employment of the First Party as it was not denied in that civil suit rather their employment was admitted in pleadings and contentions were made that they were casual domestic/temporary workmen working in hostel/mess which was belonging to the First Party.

9. At the same time other documents filed at Exh. 17 are copies of Identity Cards and passes issued to all fourteen Second Party workmen by the First Party—AFMC, Pune. It also has got the certificate Exh. 17/19 issued by Col. B S. Saraswati, Principal, College of Nurshing AFMC, Pune 40 and copy of another certificate Exh. 17/31 issued by Lt. Col. C. V. Sreedharan, QM AFMC, Pune and the documents filed alongwith list at Exh. 37, 50, 51 and 112 which are the copies of Muster Roll, Leave Record, Attendance Register, Letter of Correspondence, Wage Registers of the Second Party workmen, documents filed by the First Party alongwith list Exh. 35 which are more particularly at Exh. 59 to 86 and these documents filed by the Second Party are at list Exh. 17, 37, 50, 51 and 112. All these documents clearly establish the employer-employee relationship of the Second Party workers with the First Party.

10. In this regard, the Learned Advocate—Mrs. Londhe for the First Party has submitted that the documents, filed by the Second Party workers on record, have not been exhibited and moreover, all three being xerox copies cannot be read in evidence and hence be discarded and only documents which are exhibited may be taken into consideration for the purpose of appreciation of the evidence.

11. Per contra, the Learned Advocate—Mr. samant, for the Second Party has submitted that though the copies filed alongwith list Exh. 17, 37, 50, 51 and 112 are not been specifically exhibited in the evidence though have been referred in the evidence of the Second Party witness and hence can be taken into consideration for reaching the just and proper decision of the dispute in this reference. He has also submitted that in view of the sum and substance of the plathora of Judgements regarding the Labour Legislation by Hon'ble High Court and Hon'ble Supreme Court, the strict application of the Evidence Act is not to be done in Labour and Industrial Disputes and hence all three documents has to be considered by taking the lineant view.

12. Having considered the submissions tabled by both the sides, and considering the documents relied upon by both the sides, one thing is obviously clear that the documents filed alongwith list Exh. 50, 51 and 112 has been filed by the Second Party after their evidence was over and hence the question of their referring to their witness did not arise. Moreover, the documents at Exh. 17 and 37 were already on record at the time of evidence but these documents were also not referred to the witness. However, in the entire examination-in-chief of all the Second Party witnesses, general reference of all these documents have already come. They specifically deposed that they were employed by the First Party though they were working

with the Nursing Cadet Mess on different posts connected to the kitchen activities and were given residential accommodation by the First Party. At the same time, the documents filed by the First Party at Exh. 59 to 89 wide list Exh. 35 are also establishing the employer-employee relationship of the Second Party workman with the First Party and hence in these circumstances, by agglomerating the entire evidence on record even these documents, which have been filed later on record and being copies of the documents, running in consonance with the oral evidence adduced by the Second Party, can be taken into consideration for reading in the evidence. Moreover, the documents at Exh. 48 i.e. Strike notice dated 13-11-2002 which has also been confirmed and relied upon by the First Party, depicts that the First party is the employer of the Second Party.

13. Regarding the status of industry of the First Party, it is evident from the testimony of the solitary witness—Mrs. Sobha Naidu (Exh. 54) of the First Party that the AFMC is established by the Central Government under the Ministry of Defence with an intention to provide medical education to the Army Officers of the Country and the activities carried out by the First Party did not come under the head of the Industry.

14. In cross-examination, she admitted that lodging and boarding are the facilities given to the students in AFMC. She specifically deposed that the Nursing College is one department of AFMC. At the same time from the testimonies of all fourteen witnesses of the Second Party, more particularly, the testimonies of Atmaram Adhav (Exh. 19) and Kana Biran Murugesan Mudaliar (Exh. 43), it is clear that the Nursing Cadet Mess is run by the Principal of AFMC, Nursing College and the Second Party workers were employed in the mess for providing services against the wages. It is not at all disputed that they were paid salary every month against their services rendered by them in cooking and serving food and washing kitchen utensils, cleaning up the kitchen mess etc., and hence in view of the ratio laid down in the renowned case of Bangalore Water Supply, it is falling within the extended definition of Industry and hence the xerox copy of Award passed by the Central Industrial Tribunal cannot be taken into consideration as submitted by learned Advocate—Mrs. Londhe, for the First Party for making it applicable to the instant case.

15. Having considered the foregoing discussions coupled with the facts on record and on hearing the submission stabled by learned Advocates for both the sides, I dauntlessly reach the conclusion that the First Party falls within the extended definition of an Industry and the employer-employee relationship exists between the First Party and all the Second Party workers and therefore, this Court has jurisdiction to try the reference.

16. **ISSUE NO. 2 AND 3 :** It is evident from the testimonies of the Second Party viz. Atmaram Adhav, Saraswati Pillay, Mangal Kamble and other witness that when they raised their voices for getting wages as per the Minimum Wages Act, the First Party got annoyed and started harassing them due to which they were constrained to form the Union. When the formation of the Union was intimated to the First Party it got more annoyed and accelerated the harassment. Hence the strike notice dated 13-11-2002 (Exh 48) was issued to the First Party for going on strike on 29-11-2002. But meanwhile the dispute went into conciliation and hence the strike notice was agreed to be taken back. During the pendency of the conciliation proceeding the First Party instructed the Military Nursing Cadet Mess authorities not to show all the Second Party workers, who were the members of the trade union, to work in the Mess since 6-1-2003 and also instructed the Military Police to vacate the residential accommodations in their possession without giving any prior notice. Accordingly all the Second Party workmen were verbally terminated w.e.f. 6-1-2003 without giving any retrenchment compensation and notice pay.

Their testimonies have been corroborated by Mr. Kana Bira Murugesan Mudaliar, the General Secretary of the Workers Union named as Military Nursing Cadet Kamgar Sangh, who deposed that in the month of September, October, 2002 the formation of Union was intimated to the First Party. As soon as it was intimated, the First Party started harassing them and started retrenching workers one by one by verbal orders and during the pendency of the conciliation proceeding suddenly the First Party retrenched all the Second Party workmen by verbal orders on 6-1-2003 and they were vacated from their residential accommodation with the help of Military Police. Neither the salary of the previous month nor retrenchment compensation or any notice pay was not given at the time of retrenchment. In cross examination all these witnesses have admitted that they have filed regular civil suits Nos. 61 to 74/2003 in Civil Court, Pune wherein it has been mentioned that they went on strike from 29-11-2002 which was ultimately dismissed on merits. The stand taken by the First Party is that after giving strike notice dated 13-11-2002 (Exh. 48) all the Second Party workmen went on strike on 29-11-2002 and then after did not return on duty, rather themselves abandoned their services and were never retrenched or terminated. All the suggestions given by the First Party in this regard have been turned down by all the Second Party witnesses.

17. The First Party solitary witness—Mrs. Shobha Naidu has deposed that the formation of the Union was itself illegal and unauthorised without the prior permission of the Head of the Institute. The Second Party workmen

had admitted before the Civil Judge, Senior Division, Pune that they went on strike from 29-11-2002 and great inconvenience was caused to the Nursing Cadets as they had to cook their own food and these circumstances lead to appointment of contractor to prepare and serve food to the Nursing Cadets. It is further evident from her testimony that the Second Party workers deliberately went on strike with an intention to disturb the First Party and the Nursing Cadets and then after never came on duty. She also deposed that even if they had completed 240 days in every year, they are not at all entitled to become permanent on whatever posts they were working. She has deposed in cross-examination that no receipt were taken for payments made to the Second Party workmen. Though she further deposed in cross-examination that the Second Party witness did not come on duty after the strike notice, she could not tell as to after how many days from the date of giving strike notice, they did not come on duty and for how many days strike went on, but subsequently deposed that roughly it went for a fortnight. Even after referring some documents, she could not tell from which date to which date the strike went on. She further deposed in cross-examination that after the strike, the Second Party workmen stopped coming on duty and themselves vacated the rest rooms. She has also specifically denied that on 11-1-2003, the Military Police was called to vacate the rest rooms from the possession of the Second Party workers.

18. By agglomerating the entire evidence on record, it is clear that there is oral testimony on the point of alleged termination and the alleged abandonment of service. In these circumstances to fetch up truth from the testimonies of the witnesses, the documentary evidence is to be made the foundation and in this regard at the cost of repetition, the learned Advocate— Mrs. Londhe, for the First Party has submitted that the documents filed by the Second Party workers on record have not been exhibited and moreover, all the three xerox copies cannot be read in evidence and hence be discarded and only documents which are exhibited may be taken into consideration for the purpose of appreciation of the evidence.

19. Considering the submissions tabled by both the sides, at the cost of repetition, while answering Issue No. 1 in the given set of circumstances where the testimonies of the opposite sides are clashing with each other, I am of the righteous opinion that the documents can be taken into consideration as undoubtedly in labour legislation, the Evidence Act is not to be followed so strictly and hence these documents can be read in evidence.

20. Now the strike notice dated 13-11-2002 (Exh.48) about the strike to be scheduled on 29-11-2002. The Second Parties are saying that they did not go on strike as the matter went conciliation. But on the contrary, the First Party

says that they went on strike and themselves voluntarily abandoned their services from 29-11-2002 and were never terminated as alleged. Now the documents filed alongwith list Exh. 112, which are copies of attendance register and wage register, show that all the Second Party workmen were present on 29-11-2002 and were continuously present till 29-11-2002 and from 6-1-2003 they have been shown absent. These documents are clearly speaking that they had given strike notice to go on single day strike on 29-11-2002, but in fact, they did not go on strike. On the contrary, there is no supporting documents to the testimony of the First Party witness and the stand taken by the First Party that since 29-11-2002 they did not come on duty. Had it been so that they voluntarily abandoned their duties from 29-11-2002 after going on strike, the First Party could have definitely produced relevant documents such as wage register and attendance register to establish that fact. But it has not been done so to discharge the burden saddled by Issue No.3 Moreover, it has been indirectly admitted by the First Party witness that they did not remain present from 29-11-2002 onwards but were marked present and paid for the same. If they were marked present and paid, for the period 29-11-2002 onwards as deposed by First Party witness— Mrs. Shobha Naidu in cross the stand taken by the First Party that they went on strike from 29-11-2002 and did not return on duty, does not bear confidence.

21. In cross-examination, the First Party's witness— Mrs. Shobha Naidu has deposed that no receipts were taken for the payments made to the Second Party workmen. However the documents filed alongwith list Exh. 112 go to show that wage registers were maintained by the First Party by obtaining the signatures of the Second Parties on the revenue stamp. In these circumstances, the corroborated testimonies of the Second Party witnesses supported by the documentary evidence, and in absence of any contrary evidence in that regard, the pleadings made by the Second Party in the civil suit No. 61 to 74/2003 cannot be considered to be gospel against the documentary evidence especially when it has been admitted by the First Party witness that the Second Parties were shown present and paid though they were absent itself sounds obviously absolutely ridiculous. From the testimonies of all the Second Party workmen, it is clear that they had continuously worked since many years and that they had worked for more than 240 days every year which can be gathered from the documentary evidence produced alongwith list Ext. 37 and 112. This fact is also not specifically challenged by the First Party rather admitted by the witness—Mrs. Shobha Naidu in examination-in-chief that mere completion 240 days work in a year do not give any statutory right to the worker to become permanent in whatever post he is working. However, the completion of 240 days by every Second

Party worker is important point for consideration. Obviously, from the record and corroborated testimonies of the witnesses of the Second Party, it is clear that they were not allowed to work or join duties on 6-1-2003 and it is not disputed that any notice pay or retrenchment compensation as per the mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947 were not paid to them.

22. The First Party witness—Mrs. Shobha Naidu had denied that on 11-1-2003 Military Police were called to vacate the residential accommodations of the Second Party workmen. She also deposed that the Second Party workmen were given only rest rooms and not residential accommodations. These facts are exactly contrary to the document Ext. 112/2 which shows that the accommodations were allotted to the Second Party workmen for their residential purpose and the eviction was forcibly done with the help of Military Police. These documents have discarded the testimony of the First Party's witness—Mrs. Shobha Naidu in this regard and had raised big mark of interrogation on her veracity too. At the same time, there is no documentary evidence filed on behalf of the First Party that they themselves abandoned their services f o m 29-11-2002. Atleast they would have sent notice to them for joining the duties but any such letter or notice has not been placed on record and the documents produced by the Second Party workmen are speaking otherwise against the stand of the First Party as already discussed herein above.

23. Having considered the foregoing discussions coupled with the facts on record, it is clearly established that though the strike notice dated 3-11-2002 (Exh. 48) was given to conduct one day strike on 22-11-2002, the Second Party workmen did not go on strike and they were on their duty continuously till 5-1-2003 but were not allowed to join duty or in other words, were terminated from 6-1-2003 by the First Party. Admittedly, they had completed 240 days in every year of service. Undisputedly, any notice pay or retrenchment compensation was not paid as per the mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947. This fact itself goes to establish that termination of the Second Party workmen w.e.f. 22-11-2003 was absolutely illegal. I, therefore, reach the dauntless conclusion that the Second Party did not abandon their services but they were illegally terminated by the First Party on 6-1-2003. I, therefore, answer this Issue No. 2 and 3 accordingly.

24. **ISSUE No. 4 :** In view of the findings on Issue No. 2 and 3 wherein it has been held that all the Second Party workmen were illegally terminated by the First Party w.e.f. 6-1-2003, there being no other go than to hold that they all deserve reinstatement. However, the stand taken by the First Party that the Second Party had already

completed 60 years of age and hence he is not at all entitled for the reinstatement. Further stand taken by the First Party is that he is patient of hypertension and some ventricular disease due to which he is unfit to do his routine work. In this regard, suggestions are given by the First Party to the Second Party —Atmaram Adhav in cross examination. Some suggestions were put to the Second Party witness—Mr. Kana Biran Murugesan Mudalier. The First Party witness—Mrs. Shobha Naidu has admitted in cross examination that any document regarding ventricular disease has not been produced on record. Moreover, she has admitted in cross examination that for the Second Party there is no age limit. Only their fitness is required. From the affidavit of the Second Party—Atmaram Adhav, it shows that he has reached the age of 60 years.

25. In view of the admissions given by the First Party witness—Mrs. Shobha Naidu, for the casual labours there is no minimum or maximum age limit. Only their fitness is important. Hence, it cannot be considered as the criteria while granting reinstatement to the Second Party—Atmaram Adhav when there is no evidence on record part to show that he is unfit for working in the mess which certainly is not the skilled or heavy work. The other Second Party workers are also fit for doing the work in the kitchen and mess, especially when, there is no contrary evidence, adduced by the First Party in that regard.

26. Having considered the foregoing discussions, coupled with the findings on Issues No. 2 and 3, I dauntlessly reach the conclusion that all the fourteen Second Party workmen are entitled for the reinstatement but it does not necessarily mean that they should automatically get back wages. For that it has to be pleaded in the statement of claim that after their termination, despite their sincere efforts, they could not get any alternative employment. But unfortunately it has been pleaded so. Any of the fourteen Second Party workmen have not even deposed in that regard in their affidavit, and hence without going into any further details, I dauntlessly reach the conclusion that they are not at all entitled for any back wages but they are entitled for reinstatement only with continuity of service. I, therefore, answer this Issue No.4 accordingly and in the aftermath, pass following order:

ORDER

The reference is partly allowed with no order as to the costs.

The First Party is directed to reinstate all the fourteen Second Parties on their original post within 30 days from the date of publication of the Award or pay them compensation of Rs. 50,000 each in lieu of reinstatement.

No. order as to the back wages.

Place : Pune

P.T. RAHULE, Presiding Officer

Date: 23-7-2009

नई दिल्ली, 8 अक्टूबर, 2009

का.आ. 3003.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 11/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-2009 को प्राप्त हुआ था।

[सं. एल-40011/2/2008-आई आर (डी यू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 8th October, 2009

S.O. 3003.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 11/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Sanchar Nigam Limited and their workman, which was received by the Central Government on 8-10-2009.

[No. L-40011/2/2008-IR(DU),
SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AT HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer.

Dated the 26th day of June, 2009

Industrial Dispute No. 11/2008**BETWEEN**

Sri K. S. R. Murthy,
The District Secretary,
National Union of BSNL., Workers,
Dondapadu Dibba, Sanivarapu Pet (PO)
Eluru-534003 ...Petitioner

AND

The General Manager,
Telecom District,
Bharat Sanchar Nigam Ltd.,
Eluru, West Godavari District. ...Respondent

Appearances

For the Petitioner : Sri K. S. R. Murthy District
Secretary, Petitioner Union
For the Respondent : Sri P.R.K.D.V. Pandarinath, SDE
(HRD), Representative for
Respondent

AWARD

The Government of India, Ministry of Labour by its order No. L-40011/2/2008-IR(DU) dated 8-4-2008 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Bharat Sanchar Nigam Ltd., and their workman. The reference is,

SCHEDULE

“Whether the action of the management of Bharat Sanchar Nigam Ltd., Eluru, in terminating their workman Sri B.V.V.M.S.V. Prasad, TM to Tedlam, and Shri G. Satyam, TM to Parulurigudem is in accordance with the transfer policy of the management? If not, to what relief the concerned workman are entitled to?”

The reference is numbered in this Tribunal as I.D. No. 11/2008 and notices were issued to the parties.

2. On 26-6-2009, case called out for filing of claim statement of Petitioner, both parties called absent. There is a letter from District Secretary on the file of this Tribunal to withdraw the case. Since, petitioner has not filed claim statement and Union does not want to prosecute the claim, the case is closed. Nil Award is passed as the case is withdrawn.

Award passed accordingly, Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 26th day of June, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined : Witnesses examined
for the Petitioner for the Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 8 अक्टूबर, 2009

का.आ. 3004.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं डब्ल्यू. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 100/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-2009 को प्राप्त हुआ था।

[सं. एल-22012/258/2001-आईआर (सीएम-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 8th October, 2009

S.O. 3004.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 100/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the management of Wani Area Urjagram Tadali of Western Coalfields Ltd., Mungoli Open Cast Sub Area of WCL, and their workmen, received by the Central Government on 8-10-2009.

[No.L-22012/258/2001-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/100/2003 Date: 15-9-2009

Petitioner/ : Shri Santosh OdPELLIWAR,
Party No. 1 Secretary, Bhartiya Koyala Khadan
Mazdoor Sangh (BMS)
Br. Wani Area, Vishwakarma Sadan,
Subhash Nagar, Wani Road,
Ghugus PO Ghugus Distt.
Chandrapur. (on behalf of Shri
Kishan Chand Sharma)

Versus

Respondent : The Chief General Manager,
Party No. 2 Wani Area Urjagram Tadali of WCL
Post-Tadali, Distt. Chandrapur

AWARD

Dated: 15th September, 2009.

1. The Central Government after satisfying the existence of dispute between Shri Santosh OdPELLIWAR, Secretary, B.K.K.M.S. (BMS), Chandrapur (Party No.1) and the Chief General Manager, Wani Area Urjagram Tadali of WCL Post-Tadali, Distt. Chandrapur (Party No. 2) referred the same for adjudication to this Tribunal *vide* its letter No.L-22012/258/2001-IR(CM-II) dated 11-2-2003 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

SCHEDULE

“Whether the action of the management of M/s. WCL in relation to Wani Area through the Chief General Manager, Wani Area in denying the workman Shri Kishan Chand Sharma, Auto Electrician, promotion and consequential monetary benefits in Category ‘D’ w.e.f. 24-10-1987, in Category ‘C’ w.e.f. 1-1-1990 in Category ‘B’ w.e.f. 1-1-1992 and subsequent promotion in Category ‘A’ is legal and justified? If not, to what relief the said workman is entitled to?”

3. The Petitioner Shri Kishan Chand Sharma approached to this Tribunal with the contention that he

was appointed initially as an Auto-Electrician in Group ‘D’ in Western Coalfields Limited w.e.f. 17-10-1987 and was posted as workman of WCL. At present also he is working as Auto-Electrician in Grade ‘D’ in workshop at Mungoli Open Cast Mine under the control of the Chief General Manager, Wani Area. Further he contended that he was due for gradation in Grade ‘C’ category on 17-10-1989, 17-10-1992 he is in due position for gradation in ‘B’ category. He is eligible senior to the above mentioned Grade, but his authority the Chief General Manager and Sub-Area Manager in spite of his request demanding Grade ‘C’ and Grade ‘B’ on the above dates. According to him 15 Junior Workers to him were promoted to Grade ‘C’ and Grade ‘B’. Some of them are likely to be posted in Grade ‘A’. This according to him high handed act of the management and showing favoritism. Thus, he is victimized. Since there was no response, he issued the legal notice later on conciliation proceeding was held in the office of Regional Labour Commissioner, Nagpur and it was decided that he should be considered for promotion in the next Man-power budget for the year 2003-2004 subject to the clearance by D.P.C. However, the Auto-Electrician who were junior to him were promoted to Category ‘C’ from 1-1-1991. He has unblemished service and according to him he is entitled for the promotion and sought the direction under prayer clause to direct the management to issue promotion with back arrears since 24-1-1987 to ‘D’ Grade and from 24-1-1987 to ‘C’ Grade, then from 24-1-1992 to ‘B’ Grade and from 24-1-2000 to ‘A’ Grade. Thus according to him, he is entitled in the ‘A’ Grade with the full back wages of that Grade from the above dates.

4. The management resisted his claim by filing written statement. According to it, he was initially appointed as an Excavation Plant Greaser-cum Helper (EPGH) in Excavation Cat. E at Taroda Opencast Mine w.e.f. 17-10-1987. As the result of a conciliation settlement reached with RKKMS (INTUC), he was placed as an Auto-Electrician in Excavation Grade ‘D’ w.e.f. 17-10-1987. The placement in Grade ‘D’ was notional in terms of the settlement and no monetary benefit was payable to the Petitioner in terms of the same settlement. Then he was transferred on his own request to Area Workshop, Ghugus on health ground and on 27-1-1990 he was transferred to Central Workshop, Ghugus. Thus he was not governed by the placement and promotion in Excavation Grade as there was no post of Auto-Electrician in the workshop. He was transferred to Ghugus Opencast Mine w.e.f. 31-9-1994. However, as there was no sanctioned post of Auto-Electrician Grade ‘D’ at Ghugus, there was no question to promote him in that Grade. It is also contended that nobody was promoted to Auto-Electrician Grade ‘C’ while Mr. Sharma was working at Ghugus. However, the Petitioner was transferred to Mungoli Opencast Mine on 22-6-1994 as an Auto-Electrician Grade ‘D’. As soon as he joined, he was considered and recommended by the D.P.C. and he was promoted to the post of Auto-Electrician Grade ‘C’ w.e.f. 1-7-96. D.P.C. held on 1-7-1999 for

consideration for the post of Auto-Electrician. However, Mr. Sharma did not appear in the D.P.C. and therefore he was not considered. Second D.P.C. was again constituted and held on 1-1-2000 Mr. Sharma did not appear. Again on third D.P.C. held on 1-7-2001 he appeared before the committee but D.P.C. was not recommended on account of his unsatisfactory performance and therefore he was not promoted. At the time of D.P.C. in the year 1-1-2002 he appeared but was not found suitable for promotion on account of unsatisfactory performance. On 25-3-2004 again he did not appear in the D.P.C. He was given five opportunities out of which on 3 occasions he did not appear in the D.P.C. and 2 occasions he was not found suitable for promotion.

5. According to the management, as per the norms of promotion his claim of retrospective promotions on the various posts in the higher grade is untenable. Mr. Sharma is presently working in Group 'D'. As per norms, the promotion cannot be given merely because any person is eligible subject to the availability of sanctioned post and the necessity of management to fill up the post is main criteria for the promotion. Mr. Sharma got himself transferred to Area Workshop (Electrical and Mechanical) at Ghugus. There was no post of Auto-Electrician. He worked there upto 30-9-1994 and therefore the question of promoting him in Excavation Grade 'C' at the Area Workshop did not arise. He was subsequently transferred to Ghugus Opencast Mine and he worked there upto 22-6-1996. At Ghugus Workshop and Ghugus Opencast Mine there was no sanctioned post of Auto-Electrician Grade 'C'. Therefore, it was not possible to promote anybody on that post and when he is not promoted to Group 'C' the question of promoting him further to Grade 'B' w.e.f. 17-10-1992 and Grade 'A' does not arise. His allegation regarding supersession by 15 juniors is vague. However, nobody can claim promotion as of right. Opportunity was given to the Petitioner but he was unsuccessful and did not appear in D.P.C. and therefore he has not at all entitled for any relief. The management has prayed to reject the claim.

I have heard the counsel for the parties and perused the documents, the Petitioner Shri Kishan Chand Sharma has examined himself and on behalf of the management one witness has been examined. Shri Vinay Kumar Singh, Personnel Manager in Saoner Mines. The Petitioner is claiming that he is entitled for the promotion and on that basis he had prayed to direct the management to issue the promotion with back wages since 24-1-1987 to Group 'D' since 24-1-87 to Grade 'C' since 24-1-92 to grade 'B' and from 24-1-2000 to Grade 'A'. In fact, the promotion cannot be claimed as of right. Nobody can say or request, demanding the promotion in various categories. It appears that he was initially appointed as Excavation Plant Grease Helper in Excavation cadre in Category E at Taroda Open Cast Mines on 17-10-1987. However, there was conciliation between management and the Petitioner in which it was agreed that the Petitioner be placed as a Auto-Electrician in Grade 'D' w.e.f. 17-10-1987 i.e. his original date of

appointment. Thus, his placement in Grade 'D' was notional and in terms of the settlement. Even the monitory benefits were not given or paid to the Petitioner under that settlement. It seems that the Petitioner Shri Sharma has applied for transfer to Central Auto Workshop, Ghugus on health ground on 27-11-1990 and accordingly he was transferred on his request to Ghugus. As per management the employee working in this workshop i.e. at Ghugus are not governed by the placement and promotion in Excavation cadre. Central Workshop of Ghugus is governed by "E" and "M" cadre. There was no post of Auto-Electrician in this workshop and therefore there was no question of considering him for the placement as an Auto-Electrician in Grade 'C' till he was working there at Central workshop, Ghugus. The management has given specific dates as from 27-11-90 to 31-4-94. Later on Shri Sharma was transferred to Ghugus Open Cast Mine on 21-9-94 as Auto-Electrician Grade 'D'. However, as there was no sanctioned post of Auto Electrician in Grade 'C' at Ghugus, hence when he was working and posted at Ghugus, there was no question of promoting him to Grade 'C' arise. It is specifically stated that nobody was promoted as an Auto Electrician in the Grade 'C' while Shri Sharma was working at Ghugus. Later on Shri Sharma was transferred to Mungoli Open Cast Mine on 22-6-96 as an Auto Electrician. Since he joined at Mungoli and a post was available he was considered and recommended by D.P.C. and was promoted to the post of Auto Electrician Grade 'C' w.e.f. 1-7-96. As regarding to the promotion to Grade 'D' DPC was held on 1-7-99, the Petitioner did not appear in the DPC. Certainly, he was not considered and recommended by DPC. Again there was DPC on 1-1-2000, the Petitioner did not appear and he was neither considered nor recommended. Again on 1-7-2001 the DPC was held. On this third occasion Shri Sharma appeared before the DPC but after examination by the committee he was not recommended on account of his unsatisfactory performance and record. Again on 1-1-2002 DPC was held. The Petitioner was not found suitable for the promotion as his unsatisfactory performance and therefore, there was no question of promoting him and on third occasions on 25-3-2004 there were vacancies and a DPC was held but the Petitioner did not appear and he was not considered and recommended. Thus, he was not promoted by the DPC. These evidence shows that 5 opportunities for promotion to Grade 'B' were given to the Petitioner but on 2 occasions he did not appear and on 3 occasions he was found unsuitable. Unless he is promoted to Grade 'B' he cannot be considered for Grade 'A'. He is still in Grade 'C'. These are the facts. No doubt, during the cross-examination, the Petitioner denied the some of the fact but the record is available and the management has produced it in the Court. It is well settled that for promoting any person, there should be sanctioned post available. The management, considering the necessity, should be ready to fill up the post. Candidate should be eligible for qualifying the prescribed norms. DPC constitute for the same purpose has to satisfy his suitability. Only on its

recommendation there can be a promotion. It is also well settled law that the promotion cannot be with the retrospective effect. When he has worked at the places where the post not at all available, how his service/work can be considered for the promotion in next grade. The Petitioner, no doubt, has denied that he was transferred on his own request but it is a matter of record. He has contended that the stands taken by the employer regarding the worker in workshop are not governed by placement and promotion in Excavation cadre is totally wrong. He has also contended that factually it is also incorrect that there was no post of Auto Electrician in the Workshop. He has also stated that other employees who were working in workshop like Shri Ramaji, Nathu are now working in Grade 'A' as a Foreman respectively. As a term and the rule, he is entitled for the promotion after 21 years, but he was promoted from Grade 'D' to Grade 'C' after about 8 years till in that time he was entitled for Grade 'B'. But promotion cannot be a time bound and as indicated earlier it cannot be claimed as a right. Therefore, presumption of the Petitioner he ought to have been promoted after every 2 years is totally against policy as well as norms of the promotion. In fact, he was considered by the committee on 5 occasions and there results are described above.

There cannot be a time bound promotion even supersession by the junior though give rise for the dispute but cannot be a right to get promotion earlier to the junior persons. Always the method of considering the merit than seniority is follows. Here the result of DPC indicates that he could not succeed on 2 occasions and did not appear on 3 occasions. It indicates that he was considered but found unsuitable to the DPC. This being the principle adopted for the promotion. As a matter of policy are to be accepted and that cannot be changed considering the length of service only or the period during which he remained in one category. His main grievance is he was continued in category 'D' till 1996 but that was due to his transfer on request and non-availability of the post in that particular mine where he was working and therefore, it cannot be said that action of the management in superannuating him and not giving promotion as per his demand cannot be treated as a unfair and illegal.

In my view, the act of the management in rejecting his claim was correct and proper. Hence the reference deserves to be rejected. Accordingly, I dismiss it and pass negative Award.

Date: 15-09-2009

A. N. YADAV, Presiding Officer

नई दिल्ली, 8 अक्टूबर, 2009

का.आ. 3005 .—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एस. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 114/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-2009 को प्राप्त हुआ था।

[सं. एल-22013/1/2009-आई आर (सी-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 8th October, 2009

S.O. 3005 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 114/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SCCL and their workman, which was received by the Central Government on 8-10-2009.

[No. L-22013/1/2009-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

Present: - Shri Ved Prakash Gaur, Presiding Officer

Dated the 30th day of June, 2009

Industrial Dispute L.C. No.1 14/2006

BETWEEN

Sri Md. Ahmed Pasha,
S/o Mohd. Hussain,
C/o Smt. A. Sarojana, Advocate,
Flat No.G-7, Rajeshwari Gayatri Sadan,
Opp: Badruka Girls Jr. College,
Kachiguda, Hyderabad.

...Petitioner

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Srirampur Area, Srirampur.
Adilabad District.

2. The Superintendent of Mines,
M/s. Singareni Collieries Company Ltd.,
RK-7 Incline, Srirampur Area,
Adilabad District.

.....Respondent

APPEARANCES

For the Petitioner : M/s. A. Sarojana & K.
Vasudeva Reddy, Advocates

For the Respondent : Sri M.V. Hanumantha Rao,
Advocate

AWARD

Sri Md. Ahmed Pasha has filed this petition under Sec. 2A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two

others challenging the order of termination of his services dated 12-2-2004 as illegal, arbitrary and violative of principles of natural justice.

2. In his claim petition the Petitioner has stated that he was appointed as badli filler on 17-5-2000 and afterwards as regular worker. From the date of his appointment he used to discharge his duties to the best of his ability. A charge sheet dated 27-2-2003 was issued to the Petitioner under company's standing orders 25.15 alleging habitual absence from duty without sanctioned leave or sufficient cause during the year 2000. Basing on the above chargesheet, a formal enquiry was conducted wherein the Petitioner was not provided with the opportunity much less valid in the nature and was dismissed from the service by the proceeding dated 12-2-2004. The Petitioner has stated that during the course of enquiry he categorically submitted that he has been suffering with severe illness and ill-health and has been taking treatment, as such, he was not able to be regular to his duties. His submission though remained un-rebutted but no heed was paid by the Respondent. Enquiry Officer held charges to be proved, basing on the perverse finding of the Enquiry Officer, the 1st Respondent imposed extreme penalty of dismissal from service. The Enquiry Officer was with a pre-conceived notion as if the charges levelled against the Petitioner was correct. The action of the Respondent No.1 in dismissing the Petitioner from the service is only illegal arbitrary and violative under the principles of natural justice.

3. The Petitioner has also challenged the legality and validity of the domestic enquiry stating therein that no opportunity was afforded to the Petitioner, the Enquiry Officer has not explained the procedure of the enquiry to Petitioner before proceeding with the enquiry. The charges were not proved. Enquiry Officer relied upon irrelevant evidences and evidence of there witnesses whose evidence not relevant to the fact of the enquiry. The Enquiry Officer has not applied his mind nor the Disciplinary Authority has applied his mind independently while issuing the impugned order of the dismissal on 12-2-2004. No opportunity was given to the Petitioner by the Disciplinary Authority to make submission against the report of the Enquiry Officer. The Petitioner was absent from the duty due to his ill-health and other problems, as such, the extreme penalty of dismissal from the service is disproportionate to the misconduct committed by the Petitioner. Hence, Petitioner has presented this petition to declare the dismissal order as illegal and violative of principles of natural justice and reinstate him into service.

4. Counter has been filed by the Respondent wherein the Respondent has contended that the petition under Sec.2A(2) is not maintainable as the provision has been inserted through State Amendment. The Petitioner was appointed on 17-5-2000. He was issued chargesheet on 27-2-2003 for the misconduct under company's standing order 25.25 for being absent from duty without leave or sufficient cause during the year 2002. Petitioner

acknowledged the charge sheet, but did not file his reply. The domestic enquiry was conducted in compliance with the principles of natural justice and Petitioner was afforded full and fair opportunity to defend his case. The contention of the Petitioner that he was suffering from severe ill-health and has been taking treatment is denied and the Petitioner was put to strict proof. The contention of the Petitioner is that his submission regarding ill-health remained un-rebutted was not considered by Enquiry Officer is also incorrect. The contention of the Petitioner that the Enquiry Officer acted in a predetermined notion and did not afforded full and fair opportunity to the Petitioner is not correct. Petitioner was given full and fair opportunity to which he did not avail. He was given opportunity to cross examine the management witness during the course of enquiry proceedings but he did avail the opportunity nor cross examined the witness. The Petitioner has put in 72 musters in the year 2000, 272 in the year 2001, only 67 musters in the year 2002. As the attendance of the Petitioner was decimal a charge sheet dated 27-2-2003 was issued to the Petitioner under company's standing order No. 25.25 as he remained absent from duty without sanctioned leave or sufficient cause during the year 2002. The Petitioner did not submit any explanation. Domestic enquiry was conducted in which Petitioner fully participated and admitted the charge levelled against him. The enquiry was conducted complying with the principles of natural justice. The Petitioner was given counseling to improve attendance and performance, but it was futile. Since the charge was proved the Respondent has issued show cause notice calling for the Petitioner to make any representation within seven days from the date of the receipt of the show cause notice. Petitioner did not submit any representation against the findings of the Enquiry Officer, as such, the Respondent was constrained to dismiss the Petitioner from the services of the company. The petition has got no force and deserves to be dismissed.

5. Parties were directed to file their evidences. Respondent management has filed the proceedings book of the domestic enquiry containing charge sheet and notice to the Petitioner and day to day proceedings taken before the Enquiry Officer, the evidence of the management witnesses and that of Petitioner himself along with the enquiry report, show cause notice and the order of dismissal dated 12-2-2004.

6. Petitioner has challenged the legality and validity of the domestic enquiry but on 15-10-2008 Petitioner filed memo conceding the legality and validity of the domestic enquiry and has prayed that the case be decided on merits because he does not want to challenge the legality and validity of the domestic enquiry and the case be decided on the basis of material available on the record. Thus, on the basis of the memo dated 15-10-2008 the domestic enquiry was held to be legal and valid.

7. I have Learned Counsel for the Petitioner and Respondent under Sec. 11 A of the Industrial Disputes Act, 1947 and have gone through the evidence available

on the record. The main argument of the Learned Counsel for the Petitioner in this case is that the Enquiry Officer and the Disciplinary Authority has not applied their minds while passing the order of dismissal against the Petitioner because the Enquiry Officer as well as the Disciplinary Authority has not considered submission of the Petitioner that he was not keeping good health during the year of his absenteeism and that is why he could not attend to his duties. As against this argument of the Learned Counsel for the Petitioner the Respondent's counsel has argued that the Petitioner's counsel himself has filed a memo dated 15-10-2008 conceding the validity and legality of the departmental enquiry as such at this stage the Petitioner workman can not raise objection regarding the report of Enquiry Officer. I have considered this argument of the Learned Counsel for the Petitioner in the light of the memo dated 15-10-2008 wherein the counsel for the Petitioner himself has informed this court that though the Petitioner has disputed the issue of validity of domestic enquiry, now the Petitioner is no more interested in prosecuting the said issue. Hence, this court may be pleased to decide the dispute on merits basing on evidence available on record. Thus, there is force in the argument of the Learned Counsel for the Respondent that since the Petitioner himself has undertaken not to challenge the legality and validity of the domestic enquiry, the question of legality or validity in the domestic enquiry can not be raised at this stage and the argument of the Learned Counsel for the Petitioner that the Enquiry Officer has not applied his mind while preparing his report is not correct and it can not be raised at this stage.

8. Coming to the next and most important question regarding the absenteeism of the Petitioner during the year 2002 in his claim statement the Petitioner has stated that he remained absent. That a charge sheet dated 27-2-2003 was issued to him under company's standing order 25.25 alleging habitual absence from duty without sanctioned leave or sufficient cause during the year 2002. Against this contention of the Petitioner workman, the Respondents has alleged that the Petitioner was issued with a charge sheet for his habitual absenteeism during the year 2002 and an enquiry was conducted for that year in which the Petitioner has participated, he was given full and fair opportunity to cross examine the witnesses and present his case which he did before the Enquiry Officer. In the light of these submissions I have gone through the proceeding book of the domestic enquiry proceedings. A perusal of which shows that the Petitioner was issued with the charge sheet dated 27-2-2003 for his habitual absence from duty from January, 2002 to December, 2002 without sanctioned leave or prior permission or sufficient cause and Petitioner was called upon to file his reply or explanation against that charge sheet. At page 8 of this proceeding book the statement of the workman Md. Ahmed Pasha has been recorded by the Enquiry Officer who has admitted that he has received charge sheet and he did not submit any written explanation to the charge sheet, he

admitted the content of the charge sheet and he admitted the charges. He further answered that it is a fact that he was absent for duty. The statement of the Petitioner dated 16-4-2003 and his statement recorded by the Enquiry Officer goes to show that the Petitioner has himself admitted that he remained absent during the year 2002 as alleged in the charge sheet. He was asked by the Enquiry Officer that whether he wants any defence assistance to which the Petitioner has denied. Even thereafter, the Enquiry Officer has taken the evidence on management side to prove the charges against the Petitioner. The management has examined Sri Sarath Babu, Office Superintendent. The Petitioner was given opportunity to cross examine but he has not been cross examined by the Petitioner. After close of the evidence of the management witness the Petitioner was again examined by the Enquiry Officer on 16-4-2003. He has deposed before the Enquiry Officer that he was appointed under dependent employment scheme. It is a fact that I was absent from duty habitually during the year 2002 without sanctioned leave, due to ill-health. I did not intimate the reason to the Colliery Manager in time for my unauthorized absenteeism. Hence, I was issued with the charge sheet I received it but did not submit any explanation to the charge sheet. I have not taken any treatment from the company's hospital. Hence, I could not produce any document in support of my statement. I assure that I will work regularly in the future kindly excuse and let off this time. The workman was cross examined by the Presenting Officer regarding his sickness or taking any treatment from company's hospital. The workman has replied that he has taken herbal treatment. Since there was no treatment in allopathy. Learned Counsel for the Petitioner has argued that the Enquiry Officer has not applied his mind to the fact and contention of the Petitioner that there was no good treatment from the allopathy and that the Petitioner has taken herbal treatment. As such, the report of the enquiry is based on no evidence and it is outcome of non-application of judicial mind. I have considered the argument of the Learned Counsel for the Petitioner. I have also gone through the enquiry report. Since, the Petitioner has not submitted any explanation against the charge sheet issued to him nor he has disclosed before the Enquiry Officer about his ailment or disease from which he was suffering during the year 2002, as such there was no occasion for the Enquiry Officer to consider the submission of the Petitioner that he was absent due to ill-health, because it was the duty of the workman to disclose before the Enquiry Officer that from which disease he was suffering and what medicine he took for his treatment shows the admission that the Petitioner has put in only 67 musters during the entire year 2002, had the Petitioner been suffering from any such disease due to which he was not able to attend to his duties, he must have contacted the company's hospital and taken treatment from there. But to the utter surprise, the Petitioner himself has chosen to get himself treated by the herbal medicine treatment

stating there was no treatment in the allopathy. When the Petitioner has not disclosed before the Enquiry Officer from which disease he was suffering for which allopathic medicine were not available, how can the Enquiry Officer apply his mind to the fact not disclosed before him by workman. Before the Enquiry Officer a simple question was put for consideration was, whether the absenteeism of the Petitioner during the year 2002 from the work place was without sanctioned leave or without sufficient cause or not and to this charge, the Petitioner himself has deposed that he admitted the charges. Not only that he has stated that it is a fact that he was absent from the duty. The Petitioner has nowhere stated that he informed his superiors regarding his illness or sickness or has obtained their prior permission to undergo herbal treatment. Since the Petitioner has not been able to disclose before the Enquiry Officer or before this tribunal regarding the disease he was suffering from, due to which he could not attend to his duties during the year 2002 as such no fault can be found with the report of the Enquiry Officer and the argument of the Learned Counsel for the Petitioner that the Enquiry Officer's report is without the application of the mind has got no force.

10. Coming to the question of non-application of the mind by the Disciplinary Authority, I have gone through the order of the Disciplinary Authority. The Disciplinary Authority has considered the report of the Enquiry Officer. He has recorded that no explanation was submitted by the Petitioner either against the charge sheet or against the show cause notice issued to him on the basis of the report of the Enquiry Officer and material placed before him by the Enquiry Officer and applying his mind he has passed the order of dismissal. So it can not be said that the Disciplinary Authority has not applied his mind while passing the order of dismissal against the Petitioner. This tribunal has also considered the above argument of the Learned Counsel for the Petitioner and have gone through the entire documents placed before this tribunal by the Respondent contained in enquiry proceedings and this tribunal is also of the opinion that the Petitioner has not informed his superiors regarding his absence from the duty, he has not furnished any cogent or reasonable ground or sufficient reason remaining absent during the year 2002. His submission that he remained ill during the year 2002. Has got no force and it is an afterthought statement just to overcome the default of not giving any information to his superior and remaining absent without information. The Petitioner has not been able to prove that his absenteeism from the duty was due to sufficient cause or that he has taken any medical assistance from the company's hospital or made any request for medical leave as such, his contention can not be relied upon that he remained absent due to ill-health. The Learned Counsel for the Petitioner has filed copy of the judgement of Hon'ble High Court of A.P., Hyderabad in WA No. 769/2005 in the matter of M. Murali Krishna

Visakhapatnam. APSRTC, MSRD and another judgment dated 4-10-2007 in the matter of Mis. Singareni Collieries Company Ltd., Vs. Vanga Sankar. Both these case laws are not applicable in the present case because in the matter of WA No. 769/2005, the Petitioner remained absent from 6-8-2004 to 10-8-2004 only for 4 days. Here in this case, the Petitioner workman of this case has remained absent during the year 2002 and attended only 67 musters throughout the year. As such, the principle laid down in that case is not applicable. So far as the applicability of the mind is concerned, the Enquiry Officer as well as the Disciplinary Authority has applied their mind while passing the order, as such, both these judgments are not helpful to the Petitioner of this case.

11. I have also gone through the para 25.25 of the Standing Order wherein absenteeism without leave and without sufficient cause, without information to the company has been defined as a grave misconduct for imposing the punishment of dismissal from the service. Since the Petitioner of this case has simply put in only 67 musters, during the entire year of 2002 and he has remained absent for remaining days of the year, he has not produced any medical certificate or even a prescription of the quack or unqualified doctors from whom he has taken herbal medicines, hence he can not be relied or to believe that Petitioner remained absent due to ill-health. The Petitioner remained absent without any reasonable cause, he has given no information to his superiors as such, the Disciplinary Authority has not committed any illegality or irregularity or has not violated any principles of natural justice in passing the order of dismissal against the Petitioner. The order of dismissal passed on 12-2-2004 is fully justifiable, legal and valid and does not call for any interference by this tribunal. The punishment is not disproportionate to misconduct. The petitioner has got no force and deserves to be dismissed and accordingly it is dismissed.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected by me on this the 30th day of June, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 8 अक्टूबर, 2009

का. आ. 3006.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं सी. पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोज्जकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, इरनाकुलम के पंचाट (संदर्भ संख्या 21/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-2009 को प्राप्त हुआ था।

[सं. एल-42012/222/2005-आईआर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 8th October, 2009

S. O. 3006.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 21/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the management of Kochi Central Electrical Division, CPWD, and their workmen, received by the Central Government on 8-10-2009.

[No. L-42012/222/2005-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri P. L. Norbert, B.A., LLB., Presiding Officer
(Tuesday, the 25th day of August, 2009/3rd Bhadrapada, 1931)

I.D. No. 21/2007

Union : The Secretary,
Central PWD Mazdoor Union.,
Income Tax Building,
Mananchira, Calicut-01

By Adv. H.B. Shenoy

Management : The Executive Engineer (Electrical),
Kochi Central Electrical Division,
CPWD, Kochi (Kerala)-16.

By Adv. George Joseph

This case coming up for hearing on 20-8-2009, this Tribunal-cum-Labour Court on 25-8-2009 passed the following:

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is:

“Whether the action of the Executive Engineer (Electrical), CPWD in not regularising the services of Shri M. Sivakumar (Wireman), Shri T.K. Babu

(Wireman) and Shri P.P. Viswanathan (Operator) from the date of completion of 240 days in two consecutive years is justified or not? If not, to what relief are these workers entitled?”

2. The facts of the case in brief are as follows: Shri M. Sivakumar, T.K. Babu and P.P. Viswanathan are employees of Central PWD (Electrical Division) since 1985. As per CPWD manual Vol. III NMR (Nominal Muster Roll) employees who complete 240 days of work in two consecutive years is entitled to be regularised. In 1987 these three workers completed 240 days' service within a period of two years. They were called for interview and they attended the interview. However they were given order of appointment as regular employees only in 1989. According to the union had they been regularised on completion of two years' service their seniority would have been different and they would have got promotion early. Though the employees made representation to the management they were reluctant to take a decision on the issue. Hence this dispute has been raised.

3. According to the management many NMR workers were recruited during 1985 throughout the country. There were many cases by the employees for regularisation. The department issued instructions to subordinate office to prepare service records of NMR workers who have completed 240 days' continuous service and conduct the trade test and keep the records ready for the purpose of regularisation. But additional regular posts are to be created for which approval of cabinet is necessary. The process of creating posts and regularisation has to be done in consultation with the Ministry of Urban Development and Finance. These process took sometime and hence the workers could be regularised only in 1989. There is no willful delay on the part of the management. For regularisation both 240 days' service as well as a pass in trade test are necessary. Since all similar NMR workers were regularised almost at the same time the three workers have not lost either their seniority or promotional chances. Hence the workers are not entitled for any relief.

4. In the light of the above contentions the points that arise for consideration are:—

1. Whether the three NMR employees were entitled to be regularised immediately on completion of 240 days' service in a period of two years?

2. To what relief are they entitled?

5. The evidence consists of the oral testimony of WWI on the side of the union and MWI and Exts. M-1 to the M-9 on the side of the management.

6. **Point No. 1:** The three workers named above were recruited as NMR workers in the Electrical Division of CPWD on different dates of December, 1985. It is not disputed that as per CPWD manual Vol. III the NMR

workers who completes 240 days' work in two consecutive years is eligible for regularisation in service. According to the management besides 240 days' work they have to pass a trade test also for the purpose of regularisation. Though the union does not admit that as per the provision in the manual a trade test is necessary, the workers were called for a trade test as per Ext. M4 notice dated 13-6-1989. It is after considering the requirement of total service and pass in trade test that the department treated the three workmen as eligible for regularization as per Ext. 3 order of the department. Sl. Nos. 45, 47 and 49 of Ext. M3 list are the workers. They were eligible for regularisation. However there was delay in regularizing these employees. According to MW 1 the delay was not deliberate but it was due to the procedural formalities to comply with. By Ext. M2 letter of Deputy Director of Administration-II the Superintending Engineers of all wings of CPWD were instructed to prepare service records of NMR employees. As per statistics of 1988 there were 12,440 NMR workers eligible for regularization throughout the country. But for the purpose of regularizing them there should be vacancy of posts. Besides additional regular posts are to be created. This has to be done in consultation with the Ministry of Urban Development and Ministry of Finance. That apart approval of cabinet is also necessary. Though there was a direction by the Deputy Director administration to complete the process of regularisation by 7-12-1988 the department was unable to do it within time due to the large number of workers spread all over India, the time taken for preparing service details, the need to get approval of Ministry etc. Hence the workers could be regularized only in July 1989. But there was no discrimination in respect of these three workers. All other similar NMR workers were also regularized at the same time. Ext. M8 letter of Deputy Director of Administration-II shows that as per the order of Ministry of Works and Housing and Ministry of Labour, as one time measure, the NMR employees were regularized. The delay is only normal for a governmental department to complete the procedural formalities and getting government sanction. The evidence and circumstances do not reveal that there was any deliberate or inordinate delay on the part of the management. Moreover the workers cannot claim regularisation immediately on the next day of completion of service of 240 days. It is for the management to consider the eligibility, the available vacancies etc.

7. It is contended by the union that had the workers been regularized in 1987 immediately after completion of service of 240 days they would have got promotion as Assistant Wiremen during 1989-91. They have to complete two years' service for eligibility for promotion to the post of Assistant Wiremen. Because of the delay in appointing them as regular employees there was consequent delay in getting promotion. The delay has also affected their seniority. However according to the management the seniority of three workers is not affected because all other

similar NMR employees were regularized at the same time. Their seniority is maintained circle-wise within the circle of Tamilnadu, Kerala and Pondicherry.

In the light of the above circumstances and evidence I find that no conditions of service or rights of workers were denied by the management and there was no deliberate delay in regularising them. At any rate they cannot claim regularization in 1987 itself as of right.

8. Point No. 2 : In view of what is stated above it follows that the workers are not entitled for any relief.

In the result an award is passed finding that the action of the management, in not regularizing the service of Shri M. Sivakumar, Shri T.K. Babu and Shri P.P. Viswanathan immediately on completion of 240 days' work in 2 consecutive years, is legal and justified and they are not entitled for any relief.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 25th day of August, 2009.

P. L. NORBERT, Presiding Officer

Appendix

Witness for the Union

WW1 14-8-2009 P. P. Viswanathan

Witness for the management

MW1 14-8-2009 M. N. Harikuttan Nair

Exhibit for the Union Nil

Exhibit for the management

M1 Letter No. 38/2/87-ECX dated 12-9-1988.

M2 Letter No. 38/2/87-ECX dated 25-8-1988 of DGW, CPWD, New Delhi.

M3 Letter No. 17(64)/89/MCEC/E.III/4453 dated 21-7-1989 (regularisation order of the Superintending Engineer (E), MCEC, CPWD, Madras.

M4 Letter No. 10(7)/89/CCED/CBE/1182 dated 13-6-1989 (regarding trade test).

M5 Letter No. 45/1/87-ECX (Vol. IV) dated 19-6-1989 (not to make payment without orders).

M6 Letter No. 19/5/88-Adm (i) dated 29-6-1989 (quarterly return send to DGW) of CE (SZ)-I.

M7 Letter No. 32(6)/86-Admn (Vol. II) Zone-I dated 8-9-1988.

M8 Letter No. 39/8/81-EC.X (Pt. V) dated 12-9-1985.

M9 Letter No. 17/64/89/MCEC/EIII/4729 dated 02-8-1989.

नई दिल्ली, 8 अक्टूबर, 2009

का. आ. 3007.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एस. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 34/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-2009 को प्राप्त हुआ था।

[सं. एल-22012/90/2007-आई आर(सीएम-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 8th October, 2009

S. O. 3007.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of M/s. Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 8-10-2009.

[No. L-22012/90/2007-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated, the 26th day of June, 2009

Industrial Dispute No. 34/2007

BETWEEN

The President (Sri Bandari Lingaiah),
Singareni Collieries Employees Union (CITU),
Qtr. No. T-39, SMG X Road,
Somagudem (Via Bellampalli PO),
Adilabad-504251.Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Srirampur Division, Srirampur,
Adilabad-504303Respondent

APPEARANCES

For the Petitioner : Nil

For the Respondent : M/s. P. A. V. V. S. Sarma and
P. Vijayalaxmi, Advocates

AWARD

The Government of India, Ministry of Labour by its Order No. L-22012/90/2007-IR (CM-II) dated 9-7-2007 referred the following dispute under Section 10(1)(d) of the I. D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd. and their workman. The reference is :

SCHEDULE

“Whether the action of the Management of M/s. Singareni Collieries Company Ltd., in dismissing the services of Shri Jodi Lingaiah w.e.f. 1-12-2006 is legal and justified? If not, to what relief is the workman entitled?”

The reference is numbered in this Tribunal as I.D. No. 34/2007 and notices were issued to the parties.

2. For several adjournments including today, i.e. 26-6-2009, Petitioner called absent while Respondent's counsel is present. Petitioner has not filed claim statement even after one and half year, as such this case is closed. Hence, Nil Award is passed in absence of claim statement.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 26th day of June, 2009.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 13 अक्टूबर, 2009

का. आ.3008.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. पी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, इर्नाकुलम के पंचाट (संदर्भ संख्या 27/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-2009 को प्राप्त हुआ था।

[सं. एल-30011/15/2009-आई.आर.(एम)]
कमल बाखरू, डेस्क अधिकारी

New Delhi, the 13th October, 2009

S. O. 3008.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref.

No. 27/2009) of the Central Government Industrial Tribunal/Labour Court, Ernakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.P.C.L. and their workman, which was received by the Central Government on 8-10-2009.

[No. L-30011/15/2009-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri P. L. Norbert, B.A., LLB., Presiding Officer
(Thursday, the 24th day of September, 2009/2nd Asvina, 1931)

I.D. No. 27/2009

Union : The General Secretary,
Cochin Refineries Employees Association,
Ambalamughal, Cochin-682 302

Management : The Executive Director,
BPCL-KR
Ambalamughal, Kerala

This case coming up for hearing on 24-9-2009, this Tribunal-cum-Labour Court on the same day passed the following :

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act.

2. On summons both sides entered appearance. Union filed a statement to the effect that the dispute is not pressed as the workman concerned does not want to proceed with the case. Therefore it has to be presumed that there is no existing dispute for adjudication.

In the result an award is passed finding that the action of the management in imposing the punishment of withholding two increments with cumulative effect on the workman Shri M. K. Gopinathan is legal and justified and he is not entitled for any relief.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 24th day of September, 2009.

P. L. NORBERT, Presiding Officer

APPENDIX Nil

नई दिल्ली, 13 अक्टूबर, 2009

का. आ. 3009.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोचीन रिफाइनरीज लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के

बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, इर्नाकुलम, के पंचाट (संदर्भ संख्या 218/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-2009 को प्राप्त हुआ था।

[सं. एल-30011/26/2001-आई आर(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 13th October, 2009

S. O. 3009.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 218/2006) of the Central Government Industrial Tribunal/Labour Court, Emakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Cochin Refineries Limited and their workman, which was received by the Central Government on 13-10-2009.

[No. L-30011/26/2001-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT: Shri P. L. Norbert, BA., LL.B., Presiding Officer
(Friday the 25th day of September, 2009/3rd Asvina, 1931)

Industrial Dispute No. 218/2006

Union : The General Secretary,
Cochin Refineries Workers' Association,
Ambalamughal, Cochin-682 302.

Advocate Shri K. S. Madhusoodanan.

Management : The General Manager (HRM),
Cochin Refineries Limited,
Ambalamughal, Cochin-682 302.

By Advocate M/s. Menon & Pai.

This case coming up in Adalat on 25-9-2009, this Tribunal-cum-Labour Court on the same day passed the following :

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act.

2. When the matter came up for evidence the parties expressed their willingness for a settlement. Hence the case was taken up in Adalat and settled.

In the result an award is passed in terms of the settlement which forms part of the award.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 25th day of September, 2009.

P. L. NORBERT, Presiding Officer

APPENDIX

Nil

IN THE CGIT-CUM-LABOUR COURT, ERNAKULAM

I.D. NO. 218/2006

The matter was taken up in Adalat and parties came to a settlement. Since the worker is given promotion he does not want to proceed with the case. The reference is closed as settled.

Dated this the 25th day of September, 2009.

Union : S/d.

Management : S/d.

Counsel for Union : S/d. Counsel for Management : S/d.

नई दिल्ली, 13 अक्टूबर, 2009

का. आ. 3010.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एच.पी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, इर्नाकुलम के पंचाट (संदर्भ संख्या 220/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-10-2009 को प्राप्त हुआ था।

[सं. एल-30012/1/2006-आई आर(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 13th October, 2009

S. O. 3010.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 220/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of HPCL and their workmen, which was received by the Central Government on 08-10-2009.

[No. L-30012/1/2006-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT: Shri P. L. Norbert, BA., LL.B, Presiding Officer

(Tuesday the 22nd day of September, 2009/31st Bhadrapada, 1931)

INDUSTRIAL DISPUTE No. 220/2006

Workman : Sh. N. S. Suresh,
Pullamalavi House, Vadavukode P.O.,
Ernakulam-682310.

By. Advocate Shri C. Anilkumar

Management: The Sr. H. R. Manager, HPCL,
Cochin Regional Office,
Tatapuram, PO PB No. 1602,
Ernakulam, Cochin-682 014

By Advocates M/s. Menon & Pai.

This case coming up for hearing on 22-9-2009, this Tribunal-cum-Labour Court on the same day passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act challenging the disciplinary action and discharge from service.

2. On summons both sides entered appearance and filed their pleadings. Thereafter the case was posted for examination of the Enquiry Officer a number of times. Despite that the management was taking time. At last the case was posted for disposal. Again at the request of the management counsel once again case it was adjourned for examination of the Enquiry Officer. Still the management was not ready. Again the case was posted for disposal. On the request of the management once again the order was reviewed and case was posted for examination of Enquiry Officer positively on 8-9-2009. Even then the management was not ready. The case was adjourned to this day for evidence of the management. Still the management is not ready and the witness is also absent. In the circumstances I feel that there is no point in adjourning the case indefinitely. It is for the management to prove that the enquiry was conducted in accordance with the procedure and in compliance with the principles of natural justice and the conclusions drawn by the Enquiry Officer is based on evidence on record. Since the management has failed to prove the enquiry proceedings and the report it is possible to hold that the disciplinary action which culminated in discharge of the workman is legal and justified.

In the result an award is passed finding that the action of the management in discharging Shri N. S. Suresh workman from service w.e.f. 10-10-2004 is illegal and unjustified and he is entitled to be reinstated with backwages and all other consequential benefits.

The award will come into force one month its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 22nd day of September, 2009.

P. L. NORBERT, Presiding Officer

APPENDIX

Nil

नई दिल्ली, 13 अक्टूबर, 2009

का.आ. 3011.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.पी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, श्रम न्यायालय सं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 11/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-2009 को प्राप्त हुआ था।

[सं. एल-30011/89/2003-आई आर(एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 13th October, 2009

S.O. 3011.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 11/2004) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BPCL and their workmen, which was received by the Central Government on 8-10-2009.

[No. L-30011/89/2003-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV: PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, NO. 1, NEW DELHI,
KARKARDOOMA COURT COMPLEX, DELHI**

I. D. 11/2004

Shri Murlidhar,
Through the General Secretary,
Delhi Dehat and Sahari Mazdoor Union,
E-7/268-71, Sultanpuri,
Delhi - 110041

.... Workman

Versus

The Manager,
M/s. BPCL, IGI Terminal-II,
Near Shahbad Mohamadpur Railway Station,
New Delhi

....Management

AWARD

1. A surprise checking was conducted by Shri P. K. Srivastava and Bhupinder Kumar, Senior Operation Officers, at Bijwasan Installation of Bharat Petroleum Corporation Ltd. Motor Cycle of Murlidhar, Security guard, was checked. Carrier box of his motor cycle No. DDW - 8637 was found containing two plastic Jerry Cans of approx 5 litre each full of petrol. He had no explanation but to plead his guilt. Show cause notice was served and an enquiry was instituted. Enquiry Officer submitted his reports dated 22-2-1993 and 16-3-1994. Murlidhar submitted his representation against those reports.

The Disciplinary Authority terminated his services on 29-7-95. He preferred an appeal, which was dismissed. He raised an industrial dispute. Since conciliation proceedings failed, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. 30011/89/2003-IR (M), dated 20-1-2004, with following terms:

“Whether the action of the management of BPCL, Bijwasan, New Delhi in terminating the services of Shri Murlidhar, Ex - Security Guard is just, fair and legal? If not, to what relief the concerned workman is entitled?

2. Claim statement was filed by the workman Pleading that he was working as Security guard with the management since 3-4-87 on consolidated salary of Rs. 6055 per month. Jealous employees of the company conspired and involved him in a fake case of theft. He was suspended. Fake charge-sheet was served upon him. His explanation was not considered and Shri R. Prabhakar was appointed as enquiry officer. Shri Prabhakar hurriedly conducted the enquiry, at the behalf of the management. An eye wash enquiry was conducted and his services were terminated on 29-7-95. He preferred an appeal which was dismissed on 11-10-1996. A criminal case was also lodged against him on those very allegation. He was acquitted of the charges by the criminal court on 23-5-2001. He approached the management but he was not reinstated in the service. He claims that he is entitled for reinstatement with full back wages and continuity of service.

3. Management demurred his claim and pleaded that in surprise check conducted on 19-4-92 two plastic jerry cans approx. five litre each, full of petrol were recovered from motor cycle No. DDW 8637, belonging to the workman. He pleaded to be for given and requested to hush up the matter. Considering his misconduct show cause notice dated 27-4-92 was served. He was placed under suspension. He submitted his explanation dated 4-5-92, which was not found satisfactory. Charge sheet dated 25-5-92 was served. Shri R. Prabhakar was appointed as enquiry officer. He conducted the enquiry in accordance with the principles of natural justice. The enquiry officer submitted his report dated 22-2-93. At the instance of Disciplinary Authority he reopened the enquiry and allowed the workman to examine a witness in his defence. He submitted his report dated 16-3-94. Copy of enquiry reports were sent to the workman and he submitted his representation vide letter dated 9-1-94. The Disciplinary Authority considered his representation, past record of service and awarded punishment of dismissal. He preferred an appeal, which come to be rejected. It has been pleaded that a criminal case was registered against the workman. His acquittal in that case will not operate against the management nor it has any bearing on the case. The criminal court has to assess evidence on different standards than those on which a domestic tribunal has to assess evidence.

Enquiry conducted against the workman was fair and proper. Serious misconduct warranted punishment of dismissal. He is not entitled for reinstatement in service with continuity and full back wages.

4. On the basis of the pleadings following issues were settled by Ld. Predecessor:

(i) Whether the action of the management of BPCL, Bijwasan, New Delhi in terminating the service of Shri Murlidhar, Ex - Security Guard is just, fair and legal? If not, to what relief the concerned workman is entitled?

(ii) Relief.

5. Workman tendered his affidavit in evidence. He was cross examined on behalf of the management in detail. Shri Sanjay Aggarwal, Manager (Retail Engineering), tendered his affidavit in evidence on behalf of the management. No other witness was examined by either of the parties.

6. Arguments were heard at the bar. Shri M. P. Sinha, authorised representative, advanced arguments on behalf of the workman. Shri A. N. Sidhu, authorised representative, presented facts on behalf of the management. Written submissions were filed on behalf of the parties. I have given my careful consideration to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows:

Issue No.1

7. Murlidhar swears that he worked to the entire satisfaction of the management. Jealous employee of the company conspired and involved him in a fake case of theft. He was suspended. Management became annoyed and decided to get rid of him. Chargesheet dated 27-4-92 was served upon him. Shri R. Prabhakar was appointed enquiry officer to conduct an enquiry. He was a puppet enquiry officer, who gave fake findings against him. He conducted enquiry hurriedly and did not consider his submissions. The disciplinary authority issued dismissal order dated 29-7-95. Enquiry was an eye-wash. His appeal was also dismissed on 11-10-96. A fake criminal case was lodged against him by the management. He was acquitted in that case on 23-5-01. Thereafter, he approached the management for his reinstatement. He is unemployed since the date of his termination. During the course of his cross-examination he admits that the enquiry officer explained the procedure to be followed by him in the enquiry. Documents were supplied to him. Copy of day to day proceedings were supplied to him. He was allowed to cross examine management's witnesses and to examine witnesses in his defence. He concedes that the enquiry officer was not having grudge against him. He further concedes that he never requested for change of the enquiry officer.

8. Shri Sanjeev Aggarwal swears that he was working as presenting officer in the enquiry conducted against the

workman. Manoj Khurana was a defence representative in that enquiry. Enquiry proceedings were recorded in Hindi and copy of day to day proceedings were given to workman. Enquiry Officer had allowed the workman to cross-examine the witnesses examined by the management. Written submissions were filed by the parties. The enquiry officer gave his report dated 22-2-93. On the direction of Disciplinary Authority enquiry was reopened and Nafay Singh was examined in defence by the workman. Thereafter, enquiry officer gave his report dated 16-3-94. Enquiry was conducted in accordance with the principles of natural justice. Sh. R. Prabhakar is no more in the service of the management, hence he could not be examined in the case. During the course of cross-examination, he presents that witnesses, namely, P. K. Srivastava, Bhupinder Kumar, Vijay Pratap and Rishipal were examined on behalf of the management and only Nafay Singh was examined on behalf of the workman in his defence.

9. In a domestic enquiry, the enquiry officer is under an obligation to conduct the proceedings in accordance with requirements of statutory provisions or rules. The procedure for departmental enquiry may be laid down by awards or settlements. In private sector, the procedure for holding of an enquiry is laid down by standing order framed under the Industrial Employment (Standing Orders) Act, 1946, which standing orders have force of law. Even where no procedure for enquiry has been laid down, the employer is to follow a reasonable procedure for accorded an opportunity to the employee to defend himself in the matter. Since the object of departmental enquiry is to find out whether punishment should not be imposed against an employee, the principles of natural justice are applicable to departmental enquiry, even though there may be no rule or statutory provisions governing the procedure of departmental enquiry before such authority. The principles of natural justice are those rules which have been laid down by the courts as being the minimum protection of the rights of the individual against the arbitrary procedure that may be adopted by a judicial or quasi judicial authority, while making an order affecting those rights. These principles are now well settled and described thus:

(i) That every person whose civil rights are affected must have a reasonable notice of the case he has to meet;

(ii) That he must have reasonable opportunity of being heard in his defence.

(iii) That the hearing must be by an impartial tribunal, that is, a person who is neither directly nor indirectly a party to the case.

(iv) That the authority must act in good faith, and not arbitrarily but reasonably.

10. Out of facts testify by Murlidhar it no where come over the record that the enquiry officer had violated principles of natural justice, while conducting the enquiry. He admits that the enquiry officer explained procedure to be followed during the enquiry. He further admits that he was allowed to cross examine the witnesses examined by the management. He further admits that copy of day to day proceedings were supplied to him by the enquiry officer. He questions the enquiry on the count that he was not allowed to examine Nafey Singh initially. It has been argued that by refusing to permit him to examine Nafey Singh, the enquiry officer had shown his bias against him. Shri Sinha had argued that reopening of the enquiry on the direction of disciplinary authority no where cures the irregularity. On the other hand the management argued that refusal by the enquiry officer for examination of Nafey Singh was mere irregularity, which stood cured when enquiry was reopened and Nafey Singh was examined in the case.

11. Though the rules speak only of one enquiry, but it is possible that in a particular case there may be serious defect in the enquiry, for some important witnesses were not examined on account of some reasons. In that situation the Disciplinary Authority may ask the enquiry officer to record further evidence. Law to this effect was laid by the Apex Court in K. R. Deb (1971 Lab. IC 945). In case the enquiry officer has not given any chance to the workman to cross examine any witness and the matter was sent back by the punishing authority to cure defect and cross examine was subsequently allowed, in that situation it was held in Atar Singh [1960 (2) LLJ 413] that the employee cannot later on complain regarding violation of principles of natural justice.

12. Here in the case the workman wanted to examine Nafey Singh in his defence. He was not allowed to examine Nafey Singh by the enquiry officer. The enquiry officer submitted his report dated 22-2-93 to the Disciplinary Authority. The Disciplinary Authority considered the report and commanded the enquiry officer to permit the workman to examine Nafey Singh in his defence. Accordingly Nafey Singh was examined and the enquiry officer submitted his report dated 16-3-94 before the Disciplinary Authority. Consequently it is clear that the irregularity or defect in the enquiry stood cured. In his testimony the workman announces that the enquiry officer was not annoyed with him nor he was having any grudge against him. He declares that he had not written for change of the enquiry officer. Consequently it is clear that plea of bias of the enquiry officer is an after thought. The workman could not show that the enquiry officer was biased against him.

13. The matter can be looked from another angle. When examination of a witness is disallowed, this is primarily a matter for the enquiry officer to consider whether examination of that witness is expedient. Whether refusal to examine Nafey Singh has materially prejudiced

the workman? Answer to the proposition would depend upon careful review of the facts and it cannot be said that merely because Nafey Singh was not allowed to be examined, principles of natural justice are vitiated. When enquiry officer did not record statement of a witness inspite of request, then the enquiry cannot be termed in proper. Though it may be in violation of principles of natural justice, yet the enquiry cannot be set aside in absence of prejudice. Law to this effect was laid by the Apex Court in Janki Nath Sarangi [1970 (1) LLJ 356].

14. Here in the case surprise check was conducted at 5.30 a.m. on 19-4-92. Nafey Singh, Rishpal, Dharmpal and Murlidhar were present on duty, besides watchman Vijay Pratap who was on duty at the main gate. Shri P. K. Srivastava and Bupender Kumar, Senior Operation Officers conducted the surprise check. The aforesaid officers checked various parts of installation and then went to vehicle parking area. Carrier box of motor cycle of Nafey Singh was first checked and thereafter Murlidhar was asked to open carrier box of his motor cycle. At that time Vijay Pratap watchman was called there. Workman reluctantly opened carrier box of his motor cycle wherein two plastic jerry cans, filled with petrol, were recovered. Therefore the facts highlights that Nafey Singh was present at the spot. Refusal of enquiry officer to examine him in defence was irregular. Since this defect was cured, as aforesaid, no prejudice was caused to the workman.

15. Proceedings of the enquiry are proved as Ex.MW1/1 while enquiry reports are collectively prove as Ex.MW1/2. When proceedings Ex.MW1/1 are carefully perused, it came to light that the workman opted not to examine himself in his defence. Now the workman attacks the enquiry pleading that he was not permitted to examine himself in his defence. Nothing is more valuable to any one who finds himself in the position of an accused, whether in the departmental proceedings or in a court of law, than to have his say by himself and through his witnesses. A workman is entitled to call witnesses in defence and the enquiry officer cannot refuse to examine the defence witnesses. Failure to examine the defence witnesses will vitiate the enquiry. When the workman did not make a grievance before the enquiry officer requesting his examination in his defence, he cannot claim that he was prejudiced by his non examination. Enquiry officer was not competent to force the workman to enter into the witness box in his defence. Therefore it is evident that it was for the workman to decide as to whether he wanted to enter the witness box in his defence and he opted not to enter the witness box. Under these circumstances it cannot be said that the enquiry officer violated the principle of natural justice when he did not compel the workman to enter the witness box in his defence.

16. The enquiry officer recorded his findings based on the evidence of P. K. Srivastava and Bhupinder Kumar, Senior Operation Officers, who conducted surprise checking on 19-4-92. Out of facts testified by them it came to light that two plastic jerry cans of approx 5 litres each were recovered from carrier box of the motor cycle of the workman. He immediately pleaded to be forgiven. Out of these facts the enquiry officer presumed certain circumstances to the effect that the said petrol was stolen from Bijwasan Installation of the management. Plea of guilt made by the workman before the aforesaid two officer proved the circumstances to the effect that the petrol was stolen from Bijwasan Installation of the management. In evaluating the evidence, the enquiry officer has to reach his own judgement on the facts of a case. The decision of the enquiry officer should be based on the records. He is not supposed to import his own personal knowledge to record a finding. When findings of the enquiry officer are primarily based on application of evidence, then it cannot be said that conclusion drawn by him are vitiated. Here in the case finding recorded by the enquiry officer are based on the evidence of the aforesaid two witnesses and it cannot be said that it was arbitrary or unreasonable.

17. The Disciplinary Authority gave him opportunity to make representation against the report of the enquiry officer. The workman made his representation dated 9-4-94. Thereafter punishment of dismissal was passed on 29-4-95. The Disciplinary Authority considered the gravity of the misconduct, which had put safety and security of life and property of Bijwasan Installation and its neighborhood into jeopardy. No extenuating circumstances were there to award lesser punishment, observed the Disciplinary Authority. The workman was working as security guard, who was found in possession of stolen petrol, kept in carrier box of his motor cycle. One who is put to watch and ward duty would jeopardize safety and security of the Installation, if he himself indulge in theft of the property of the installation. Therefore gravity of the misconduct of the workman is found to be alarming. Disciplinary Authority was justified in awarding the punishment of dismissal to the workman. Appellate Authority also finds no reasons for granting his appeal. Under these circumstances contentions of the workman are found untenable, on those counts.

18. When workman was acquitted of the charges in the criminal case by the criminal court, the workman raised a demand of reinstatement on the management. His acquittal led the workman to raise the issue before the Conciliation Officer as well as before this Tribunal. A claim was made that when the workman was acquitted of the charges, which were based on the same facts, he should

not be punished on those facts by the domestic tribunal. It is a matter of common knowledge that in criminal trial standard of proof beyond doubt is required. The prosecution is obliged to establish the guilt beyond doubts against the accused. However in departmental proceedings the matter is adjudicated on balance of preponderance of evidence. Acquittal order passed by the criminal court is based on benefit of doubt accorded to the workman. In such a situation that judgment would not be relevant before the domestic tribunal. The evidence, which was found insufficient by the criminal court, may be quite sufficient for disciplinary action. Law to this effect was laid in *Khuba* [1960 (2) LLJ 629]. Reference can also be made to *Ranga Rajan* (1968 Lab. I. C. 63). The Apex Court in *Rama Rao* (AIR 1963 SC 1723) has ruled that judgment of the criminal court is not always binding in domestic enquiry and the mere fact that enquiry officer records an otherwise finding, it would not constitute any error. If the workman is acquitted on the ground that the charge was false. And he was innocent then the position would be different. Reference can be made to the decision in *workman of Ruby Rubber Works* (37 FJR 574). Here in the case the criminal court had not concluded that the charges against the workman were false and he was innocent. Consequently the judgment of criminal court is not relevant in the matter. It cannot be said that on acquittal of the workman, the punishment awarded by the domestic tribunal would become illegal and inoperative. Therefore contention of the workman is found untenable on that count too.

19. To show that the domestic enquiry stood vitiated the workman may highlight the following propositions :

- (i) The enquiry is defective on account of violations of principles of natural justice.
- (a) The employee was not informed of the charge against him.
- (b) No evidence was taken in support of the charge.
- (c) The witnesses in support of the charge, have not been examined in the presence of the employee.
- (d) The employee was not given a fair opportunity to cross examine the witnesses examined by the management.
- (e) The employee was not given a fair opportunity to examine witnesses including himself in his defence, if he so wishes, on any relevant matter.
- (f) The enquiry officer has not written a report giving his findings with reasons.
- (g) The dismissal is founded on a ground which was not included in the charge sheet upon which the enquiry was held.

(h) The dismissal is founded on the interrogation of the workmen, without examining any witnesses in support of the charges.

(ii) The enquiry was not held in accordance with the relevant standing order of the establishment.

(iii) The enquiry officer was biased against the employee.

20. As detailed above, the enquiry officer was not biased against the workman. He supplied documents to him. He explained procedure to be followed to the workman. He gave reasonable opportunity to the workman to cross-examination the witnesses examined by the department and examine witness in his defence. Principles of natural justice were followed by the enquiry officer. Disciplinary Authority gave opportunity of being heard to the workman and thereafter awarded punishment to him. In view of the forgoing reason it is concluded that the enquiry conducted by the management was just and fair. No illegality was committed by the management, while holding the enquiry against the workman. Termination of his service was also found to be just, fair and legal.

21. Various precedents were referred by Shri Sinha in his written submission. On account of different and distinct facts of the present controversy, these precedents do not espouse the cause of the workman. For paucity of space those precedents are not referred here in. As detailed above, the workman could not show that punishment awarded was disproportionate to his misconduct. Therefore the issue is answered in favour of the management and against the workman.

Relief.

22. Since the enquiry was fair and proper and punishment awarded to the workman was proportionate to his misconduct, he is not entitled to any relief. An award is accordingly passed. It may be sent to the appropriate Government for publication.

Date : 11-9-09

DR. R. K. YADAV, Presiding Officer

नई दिल्ली, 15 अक्टूबर, 2009

का.आ. 3012.— जबकि मैसर्स बोकारो स्टील प्लांट [झारखण्ड क्षेत्र में कोड संख्या जेएच./2316 के अंतर्गत] (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं हैं और कर्मचारी भी समान प्रकृति के किसी अन्य

प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त उक्त प्रतिष्ठान के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार एतद्वारा, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के प्रचालन से 1-11-1975 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/48/2009-एस. एस.-II]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 15th October, 2009

S.O. 3012.—Whereas M/s. Bokaro Steel Plant [under Code No. JH/2316 in Jharkhand Region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 1-11-1975 until further notification.

[No. S-35015/48/2009-S. S. II]

S. D. XAVIER, Under Secy.

नई दिल्ली, 15 अक्टूबर, 2009

का.आ. 3013.— जबकि मैसर्स श्री सर्विसिज एण्ड ट्रेडिंग कं. लि. [कोलकाता क्षेत्र में कोड संख्या डब्ल्यूबी/14067 के अंतर्गत] (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं हैं और कर्मचारी भी समान प्रकृति के किसी अन्य

प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त उक्त प्रतिष्ठान के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार एतद्वारा, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के प्रचालन से 1-11-1976 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/23/2009-एस. एस.-II]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 15th October, 2009

S.O. 3013.— Whereas M/s. Shree Services & Trading Co. Ltd. [under Code No. WB/14067 in Kolkata Region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 1-11-1976 until further notification.

[No. S-35015/23/2009-S. S. II]

S. D. XAVIER, Under Secy.

नई दिल्ली, 15 अक्टूबर, 2009

का.आ. 3014.— जबकि मैसर्स डाकमन्ड एण्ड जेम डिवेलपमेंट कं. लि. [मुंबई क्षेत्र में कोड संख्या एमएच./38100 के अंतर्गत] (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं हैं और कर्मचारी भी समान प्रकृति के किसी अन्य

प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त उक्त प्रतिष्ठान के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार एतद्वारा, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के प्रचालन से 1-12-1993 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/52/2009-एस. एस.-II]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 15th October, 2009

S.O. 3014.— Whereas M/s. Diamond & Gem Development Co. Ltd. [under Code No. MH/38100 in Mumbai-I Region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 1-12-1993 until further notification.

[No. S-35015/52/2009-S. S. II]

S. D. XAVIER, Under Secy.

नई दिल्ली, 16 अक्टूबर, 2009

का.आ. 3015.— कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 नवम्बर, 2009 को उस तारीख के रूप में निम्नित करती है, जिसको उक्त अधिनियम के अध्याय-4 (44-45 धारा के विभाग को पहले से प्रकृत को चुकी है) अध्याय-5 और 6 (धारा-76 की उप-धारा-(1) और धारा-77, 78, 79 और 81 के विभाग को पहले ही प्रकृत की जा चुकी है) के अध्याय अन्तर्गत प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रकृत करेंगे, अर्थात् :

“आन्ध्र प्रदेश राज्य के बारीकनगर जिले के सिमिलिहता नगरपालिका के सीमा में स्थित सभी कोयला खान सिमिलिहता नगरपालिका में

रिव्वा, कोमरा, पेडूर, सर्दापुर, मन्देपल्ली, तंगलपल्ली, तादूर, बसवपुरम, रागुदु, चन्द्रमपेट, मुष्टिपल्ली तथा बड्डेनपल्ली राजस्व गांवों के सीमा के अंतर्गत आने वाले सभी क्षेत्र।”

[सं. एस-38013/42/2009-एस. एस.-I]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 16th October, 2009

S.O. 3015.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st November, 2009 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely:-

“All the areas falling within the limits of Siricilla Municipality and the Revenue Villages of Bonala, Peddur, Sardapur, Mandepalli, Tangallapalli, Taduru, Baswapuram, Ragudu, Chandrampet, Mustipalli and Baddenapalli of Siricilla Mandal in Karimnagar District of Andhra Pradesh.”

[No. S-38013/42/2009-S.S. I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 16 अक्टूबर, 2009

क्र.अ. 3016.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 नवम्बर, 2009 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उप-धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध राजस्थान राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

“जिला अजमेर, तहसील अजमेर के राजस्व ग्रामों गेगल, गगवाना, अखरी के अंतर्गत आने वाले सभी क्षेत्र।”

[सं. एस-38013/44/2009-एस. एस.-I]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 16th October, 2009

S.O. 3016.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st November, 2009 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the

said Act shall come into force in the following areas in the State of Rajasthan namely:-

“The areas comprising the Revenue villages of Gegal, Gagwana, Akhri in Tehsil Ajmer, District Ajmer.”

[No. S-38013/44/2009-S.S. I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 16 अक्टूबर, 2009

क्र.अ. 3017.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 नवम्बर, 2009 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उप-धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध राजस्थान राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

“जिला उदयपुर, तहसील गिरवा के राजस्व ग्रामों कलदवास, एकलिंगपुरा, मनवाखेड़ा के अंतर्गत आने वाले क्षेत्र।”

[सं. एस-38013/43/2009-एस. एस.-I]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 16th October, 2009

S.O. 3017.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st November, 2009 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Rajasthan namely:-

“The areas comprising the Revenue villages of Kaladwas, Eklingpura, Manwa Khera in Tehsil Girwa, District Udaipur.”

[No. S-38013/43/2009-S.S. I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 22 अक्टूबर, 2009

क्र.अ. 3018.—जबकि मैसर्स नेशनल टेक्सटाइल कारपोरेशन लि. [दिल्ली उत्तरी क्षेत्र में कोड संख्या डीएल/2980 के अंतर्गत] (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए उक्त अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं हैं और कर्मचारी भी समान प्रकृति के किसी अन्य प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी

भविष्य निधि योजना, 1952 (एतदुपरान्त उक्त प्रतिष्ठान के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार एतद्वारा, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के प्रचालन से 23-2-1972 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/64/2009-एस. एस.-II]

ए. के. गुप्ता, अवर सचिव

New Delhi, the 22nd October, 2009

S.O. 3018.—Whereas M/s. National Textile Corporation Ltd. [under Code No. DL/2980 in Delhi (North) Region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 23-2-1972 until further notification.

[No. S-35015/64/2009-S. S. II]

A. K. GUPTA, Under Secy.

नई दिल्ली, 22 अक्टूबर, 2009

का.आ.3019.—जबकि मैसर्स एस. जी. एस. इंडियन प्रा. लि. [मुंबई-II क्षेत्र में कोड संख्या एमएच/39402 के अंतर्गत] (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन किया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं हैं और कर्मचारी भी समान प्रकृति के किसी अन्य प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त उक्त प्रतिष्ठान के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार एतद्वारा, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के प्रचालन से 1-5-1994 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/60/2009-एस. एस.-II]

ए. के. गुप्ता, अवर सचिव

New Delhi, the 22nd October, 2009

S.O. 3019.—Whereas M/s. S. G. S. India Pvt. Ltd. [under Code No. MH/39402 in Mumbai II Region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 1-5-1994 until further notification.

[No. S-35015/60/2009-S. S. II]

A. K. GUPTA, Under Secy.